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GENERAL LAWS,

AND

Joint Resolutions, Memorials and Private Acts,

PASSED AT THE

FOURTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

Territory of Colorado.

BEGUN AND HELD AT GOLDEN CITY, JAN. 2d, 1865.

TOGETHER WITH THE DECLARATION OF INDEPENDENCE THE CONSTITUTION OF THE UNITED STATES

AND THE

ORGANIC ACT OF THE TERRITORY.

PUBLISHED BY AUTHORITY.

DENVER:
Byers & Dailey, Printers—Rocky Mountain News Office.
1865.

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FEDERAL OFFICERS OF THE TERRITORY.

GOVERNOR:

JOHN EVANS.

SECRETARY:

SAMUEL H. ELBERT.

JUDGES OF THE SUPREME COURT:

STEPHEN S. HARDING, Chief Justice.
CHARLES LEE ARMOUR, Associate Justice.
ALLEN A. BRADFORD, " "

ATTORNEY GENERAL:

SAMUEL E. BROWNE.

MARSHAL:

A. CAMERON HUNT.

SURVEYOR GENERAL:

JOHN PIERCE.

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DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires, that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations,

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all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbid his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers incapable of annihilation, have returned to the people at large for their exercise, the State remaining in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land.

He has obstructed the administration of justice, by refusing his assent to laws establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harrass our people, and eat out their substance.

He has kept among us in times of peace, standing armies, without the consent of our legislatures.

He has effected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us.

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For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes upon us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond the seas to be tried for pretended offences:

For abolishing the free system of English laws, in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our government;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever:

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the

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ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and consanguinity. We must, therefor, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

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CONSTITUTION.

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CONSTITUTION

OF THE

UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

Legislative power.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

Choice of Representatives, and qualifications of electors.

1. The House of Representatives shall be composed of members chosen every second year, by the people of the several States: and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

And of Representatives

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of Representatives.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to ser-

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vice for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

Ratio of Representatives.

First apportionment.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Speaker of the House.

SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

The Senate.

Each Senator to have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignations or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Senators classed.

A third of the seats vacated every two years.

Vacancies

3. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

Qualification of Senators.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

President of the Senate.

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5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States. Officers.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present. Impeachments.

7. Judgment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law. And extent of judgment in cases. Party liable according to law.

SECTION 4.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State, by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. Elections—how regulated.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. Meetings of Congress.

SECTION 5.

1. Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide. To judge of the election of its members. Quorum.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with a concurrence of two-thirds, expel a member. Rules.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. Journals.

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Adjournment.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to other place than that in which the two houses shall be sitting.

SECTION 6.

Compensation.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and

Privilege.

breach of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, or in going or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Concerning the holding of offices.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.

Revenue bills.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Power and duty of the President in relation to bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections, to that house in

Proceedings on bills returned by the President.

which it shall have originated, who shall enter the objections at large, in their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the vote of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days

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(Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevents its return; in which case it shall not be a law.

Joint resolutions, except for adjournment, to receive the same sanction as bills.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power—

Powers of Congress relative to taxes.

1. To lay and collect taxes, duties, imposts and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

Loans.

2. To borrow money on the credit of the United States:

Commerce.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

Naturalization.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

Money.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

Counterfeiting.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

Post Offices.

7. To establish post offices and post roads:

Science.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

Tribunals.

9. To constitute tribunals inferior to the Supreme Court. To define and punish piracy and felony committed on the high seas and offences against the law of nations:

War.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

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Armies. 11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:

Navy. 12. To provide and maintain a navy:

Land and Naval forces 13. To make rules for the government and regulation of the land and naval forces.

Militia. 14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Legislation over a district etc. 16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

Laws necessary for the execution of their powers 17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

Of the importation of certain persons, etc. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for such person.

Writ of Habeas Corpus 2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Attainder, etc. 3. No bill of attainder or ex post facto law shall be passed.

Direct taxes 4. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

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5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from one State be obliged to enter, clear or pay duties in another. Of commerce from the States, etc.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. Of Expenditures.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept any present, emolument, office or title, of any kind whatever, from any king, prince or foreign state. No Nobility created, and no presents accepted by U. S. officers etc.

SECTION 10.

1. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold or silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility. Powers prohibited in the individual States.

2. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. Powers which the States can exercise only under the sanction of Congress.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his Executive powers.

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office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Electors of President and Vice President.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives, to which the State may be entitled in the Congress, but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

Meeting of the electors.

Their proceedings.

3. The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President if such number is a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representetives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House, shall in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the Representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice Prdsident. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.*

[*Annulled, see Amendments, Art. 12.]

Time of choosing electors.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Qualifications for President.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of Pres-

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dent; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

When his duties devolve on the Vice President, etc.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensation.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive during that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

Oath of the President.

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2.

Powers of the President.

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States. He may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

His powers with the advice and consent of the Senate.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and

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Of appointment of inferior officers.

which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

President may fill vacancies.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION 3.

Duties of President.

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason bribery or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1.

Judicial power.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish.

The judges, both of the supreme and inferior courts, shall hold their office during good behavior; and shall at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

Its extent.

1. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws

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of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens or subjects.* [*Restriction by Art. II of Amendments.]

2. In all cases affecting ambassadors, or public ministers or consuls, and those in which a State shall be a party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appelate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. Jurisdiction of Supreme Court.

3. The trial of all crimes, except in cases of impeachment, shall be by a jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed in any State, the trial shall be at such place or places as the Congress may by law have directed. Trial of Crimes.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies; giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. Treason.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeit, except during the life of the person attained. Its punishment.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof. Faith to be given to the acts, etc., of States.

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SECTION 2.

Reciprocity of citizenship.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Criminals to be delivered up.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Also, runaway slaves, etc.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

Admission of new States.

1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

Power of Congress over territory, etc.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State.

SECTION 4.

Guarantee and protection of each State.

The United States shall guarantee to every State in this Union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to

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this Constitution; or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *Provided*, That no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate. Mode of amending the Constitution.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the confederation. Debts assumed

2. This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding. The supreme law of the land.

3. The Senators and Representatives, before mentioned, and the members of the several legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States. Representatives, etc, to support the Constitution. No religious test.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same. Ratification of nine States sufficient.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September in the year of our Lord one thousand seven hundred

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and eighty seventh, and of the Independence of the United States of America, the twelfth.

In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON, *President, and Deputy from Virginia.*

New Hampshire:
John Langdon,
Nicholas Gilman.

Connecticut:
Wm. Samuel Johnson,
Roger Sherman.

New York:
Alexander Hamilton.

New Jersey:
William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

Pennsylvania:
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,
James Wilson,
Governeur Morris.

Delaware:
George Reed,
Gunning Bedford, Jr.

Massachusetts:
Nathaniel Gorman,
Rufus King.

John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland:
James M'Henry,
Dan'l of St. Tho. Jenifer,
Daniel Carroll.

Virginia:
John Blair,
James Madison, Jr.

North Carolina:
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

South Carolina:
John Rutledge,
Chas Cot'sw'th Pinckn'y,
Charles Pinckney,
Pierce Butler.

Georgia:
William Few,
Abraham Baldwin.

ATTEST: WILLIAM JACKSON, *Secretary.*

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AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

The free exercise of religion, freedom of the press, of speech, etc. guaranteed to the people.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

ARTICLE II.

Right to bear Arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

Of quartering soldiers in time of peace.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

No search warrant to issue except on oath, etc.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

Capital and infamous crimes—proceedings

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

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ARTICLE VI.

Right of the accused in criminal cases.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

Trial by jury preserved.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Bail and fines.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Construction of powers delegated.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Powers.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

Restraint of judicial powers.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

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ARTICLE XII.

1. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State as themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. Mode of choosing the President and Vice President.

2. The person having the greatest number of votes as Vice President, shall be Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers in the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. Of the Vice President.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

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ARTICLE XIII.

In what [illegible]

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution was proposed at the second session of the third Congress; the 12th article at the first session of the eighth Congress; and the 13th article, at the second session of the eleventh Congress.]

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ORGANIC ACT.

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ORGANIC ACT.

AN ACT

To Provide a Temporary Government for the Territory of Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, viz: commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on said meridian to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning, be and the same is hereby erected into a temporary government by the name of the Territory of Colorado: *Provided,* That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits of jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Colorado until said tribe shall signify their assent to the President of the United States to be included within the said Territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for

Territory of Colorado established.

Boundaries.

Indian rights preserved.

Indian Territory excepted until, etc.

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the Government to make if this act had never passed; *Provided further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State.

Territory may be divided.

Governor. Appointment, term, powers and duties.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Colorado shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve all laws passed by the legislative assembly before they shall take effect; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

Secretary of Territory, &c.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of the said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the Governor, in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time two copies of the laws to the Speaker of the House of Representatives and the President of the Senate for the use of Congress. And in case of the death, removal, or resignation, or other necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

Shall to be transmitted.

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SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of nine members, which may be increased to thirteen, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall consist of thirteen members, which may be increased to twenty-six, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the Council and House of Representatives, giving to each section of the Territory representation in the ratio of its population (Indians excepted) as nearly as may be; and the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken; and the first election shall be held at such time and places and be conducted in such manner as the Governor shall appoint and direct: and he shall at the same time, declare the number of the members of the Council and House of Representatives to which each of the counties or districts shall be entitled to under this act. The number of persons authorized to be elected, having the highest number of votes in each of said Council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the person or persons authorized to be elected having the greatest number of votes for the House of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be elected members of the House of Representatives; *Provided*, That in case of a tie between two or more persons voted for, the Governor shall order a new election, to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the

Legislative Assembly.

Council.

House of Representatives.

Apportionment.

Census.

Elections.

Proviso

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apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no one session shall exceed the term of forty days, except the first, which may be extended to sixty days, but no longer.

Length of Sessions.

Voter's qualifications.

SEC. 5. *And be it further enacted*, That every free white male citizen of the United States above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, including those recognized as citizens by the treaty with the republic of Mexico, concluded February two, eighteen hundred and forty-eight, and the treaty negotiated with the same country on the thirtieth day of December, eighteen hundred and fifty-three, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly.

Power of the Legislature.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed.

Township, District and County Officers.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory. The Governor shall nominate and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly, and

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shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

Members of Legislative Assembly not to hold certain offices.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

Judicial Power.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such time and place as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of the justices of the peace, shall be as limited by law: *Provided*, That justices of the peace and probate courts shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction; and authority for redress of all wrongs committed against the constitution or laws of the United States, or of the Territory, affecting persons or property. Each district court or the Judge thereof shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district

Supreme Court.

District Court.

Jurisdiction of courts.

Of Justices of the peace and Probate courts.

Chancery jurisdiction.

Clerk and Register.

Writs of error, etc.

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courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court, shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof shall and may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and law, and writs of error and appeals in all such cases shall be made to the supreme court of said Territory the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Oregon Territory received for similar services.

Habeas Corpus.

Pay of Clerk.

Attorney.

Marshal.

SEC. 10. *And be it further enacted*, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the Attorney of the United States for the late Territory of Oregon. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the Marshal of the district court of the United States

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for the late Territory of Oregon, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Governor, Judges, etc. to be appointed by the President.

SEC. 11. *And be it further enacted*, That the Governor, Secretary, Chief Justice and Associate Justices, Attorney and Marshal, shall be nominated and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the District Judge or some Justice of the Peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some Associate Justice of the supreme court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificate shall be received and recorded by the Secretary among the executive proceedings; and the Chief Justice and Associate Justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some Judge or Justice of the Peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as Superintendent of Indian Affairs: the Chief Justice and Associate Justices shall each receive an annual salary of eighteen hundred dollars; the Secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the session thereof, and three dollars for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor, to de-

How qualified.

Salaries.

Pay of members of the Assembly.

Contingent expenses.

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fray the contingent expenses of the Territory. There shall also be appropriated annually a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Sessions of the legislature.

SEC. 12. *And be it further enacted*, That the Legislative Assembly of the Territory of Colorado shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly.

Delegate to Congress.

SEC. 13. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and places and be conducted in such manner as the Governor shall appoint and direct; and at all subsequent elections the times, places and manner of holding elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly.

School sections reserved.

SEC. 14. *And be it further enacted*, That when the land in the said Territory shall be surveyed, under the direction of [the] government of the United States, preparatory to bringing the same into markte, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are, hereby reserved for the purpose of being applied to schools in the States hereafter to be erected out of the same.

SEC. 15. *And be it further enacted*, That temporarily, and until otherwise provided by law, the Governor of

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said Territory, may define the judicial districts of said Territory and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or sub-divisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Judicial districts and time of holding courts.

SEC. 16. *And be it further enacted*, That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Colorado as elsewhere within the United States.

Constitution and laws applicable, etc.

SEC. 17. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall be and he is hereby authorized to appoint a Surveyor General for Colorado, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the Surveyor General of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him.

Surveyor General, duties, pay, etc.

Approved February 28, 1861.

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AMENDMENTS TO THE ORGANIC ACT.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A TEMPORARY GOVERNMENT FOR THE TERRITORY OF COLORADO."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That the second section of the act to which this act is an amendment be altered so as to read as follows: The executive power and authority in and over said Territory of Colorado shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian Affairs; he may grant pardons for offences against the laws of said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

Governor.

Veto power.

SEC. 2. *And be it further enacted*, That every bill which shall have passed the legislative assembly shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been pre-

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sented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law.

Judicial power.

SEC. 3. *And be it further enacted*, That section nine of the act to which this act is amendatory be altered so as to read as follows: Section 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such time and place as may be prescribed by law; and the said judges shall after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appelate and original, and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or when the debt or sum claimed shall exceed three hundred dollars; and the said probate court shall not have jurisdiction of any matter in controversy when the debt or sum claimed shall exceed the sum of two thousand dollars; and said supreme and district court shall have authority for redress of all wrongs committed against the constitution and laws of the United States; and the said supreme, district, and probate court, respectively, shall possess chancery as well as common-law jurisdiction and authority for the redress of all wrongs committed against the laws of said Territory, affecting persons or property. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exceptions and appeals shall be allowed from the final decisions of said district and probate courts to the supreme court, under such regulations as shall be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or

Supreme court.

District courts.

Justices of the peace.

Probate courts.

Chancery powers.

Clerks.

Writs of error, &c.

Trial by jury

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Clerks.

the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court shall be allowed and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, when the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of said supreme and district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Oregon Territory received for similar services.

Appeals, &c to the supreme court of the United States.

Habeas corpus.

Precedence of trials.

Fees of clerks.

Part of act applicable to Dakota.

SEC. 4. *And be it further enacted*, That the provisions of sections one and two of this act shall be applicable to the Territory of Dakota, and shall have like effect as in the Territory of Colorado.

APPROVED, March 2, 1863.

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PART I.

GENERAL LAWS.

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TERRITORY OF COLORADO, } ss.
SECRETARY'S OFFICE,

I, SAMUEL H. ELBERT, Secretary of Colorado Territory, do hereby certify that I have delivered to BYERS & DAILY, Public Printers, true and correct copies of all LAWS, JOINT RESOLUTIONS and MEMORIALS, now on file in my office, passed at the Fourth Session of the Legislative Assembly of the Territory of Colorado, begun and held at Golden City, on the 2nd day of January, in the year of Our Lord one thousand eight hundred and sixty-five.

In Testimony Whereof, I have hereunto set my hand and affixed the great seal of the Territory of Colorado.

{ L. S. }

Done at Denver, this 20th day of February, in the year of Our Lord one thousand eight hundred and sixty-five.

SAM. H. ELBERT,
Secretary of Colorado Territory.

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GENERAL LAWS.

AN ACT.

MAKING APPROPRIATIONS TO DEFRAY THE EXPENSES OF THE LEGISLATIVE ASSEMBLY FOR THE YEAR 1865, AND TO PAY THE SALARY OF THE TERRITORIAL OFFICERS AND FOR OTHER PURPOSES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the following sums of money be, and the same are hereby appropriated to the several funds hereinafter specified, to meet the current expenses of the Territory for the fiscal year commencing January first, A. D. 1865: For Legislative purposes, the sum of twelve thousand dollars. For Territorial Officers, the sum of three thousand dollars, and contingent funds of the same, the sum of three hundred dollars. For general contingent fund, the sum of two thousand dollars.

Appropriation.

For Legislative.

For Territorial officers.

Contingent fund.

Approved February 10th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT REQUIREING [REQUIRING] CLERKS OF DISTRICT COURTS TO GIVE BOND, APPROVED AUGUST 15TH, 1862."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That all Bonds heretofore given by Clerks of District Courts of this Territory in pursuance of the provisions of the act to which this act is amendatory, shall be filed in the office of the Secretary of the

Clerks of District Court shall file bonds with Secretary of Territory.

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Territory, within sixty days from and after the passage of this act, and all like bonds that may hereafter be given shall be filed in the effice of said Secretary of the Territory, within sixty days from the date of the execution of said bonds, and coppies [copies] of said bonds, duly certified by said Secretary, under the seal of the Territory, shall be received in evidence in all Courts of this Territory.

Received in evidence when.

Repealing clause.

Sec. 2. All acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, February 8th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT REGULATING THE MODE OF PROCEEDING IN ATTACHMENTS IN THE DISTRICT COURTS, APPROVED OCT. 29TH, 1861."

Be it enacted by the Council and House of Representatives of Colorado Territory:

Affidavit and Bond.

Sec. 1. That in all suits and actions commenced by attachment, and in all suits and actions in which writs of attachment shall be issued in aid of such suits or actions, it shall be lawfull [lawful] for the plaintiff, without filing more than one affidavit and bond, to sue out a writ or writs of attachment directed to the Sheriff of any county or counties, other than the one in which such suit or action is pending, which writs shall be executed in the same manner as now provided by law respecting writs of attachments, *Provided*, that in all such cases the attachment bond given by the plaintiff shall, in addition to the provisions now required by law, be conditioned for the payment of all damages which may accrue to the defendant by reason of any excessive levy, made under any writ of attachment issued in such suit or action; and if more property shall be levied upon, under the several writs of attachment issued in such suit or action, than is sufficient to satisfy the plaintiff's demand, the obligors in such bond shall be liable to the defendant for the damage accruing to him from such excessive levy.

Bond shall be conditioned for payment of damages.

The obligors liable for damages when.

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SEC. 2. That in all suits or actions which have been, or shall hereafter be commenced by attachment, and in all suits and actions in which any writ of attachment has been, or shall hereafter be issued, in aid of any such suit or action, and any such writ of attachment shall not have been or shall not be, prior to the return day thereof, levied upon sufficient property to satisfy the plaintiff's demand, it shall be lawfull [lawful] for the plaintiff, without filing any new or additional bond or affidavit, at any time prior to the term at which judgment in such suit or action shall be rendered, to sue out an *alias* or *pluries* writ of attachment upon which the clerk issuing the same shall enclose the return or returns made by the officer or officers executing any writ or writs theretofore issued in such suit or action.

When sufficient property has not been levied upon.

May sue out an *alias* or *pluries*.

SEC. 3. It shall be the duty of any officer to whom any *alias* or *pluries* writ of attachment shall be directed and delivered, to proceed to levy the same upon property of the defendant or defendants named therein, of sufficient value, together with the property levied upon under any writ or writs, theretofore issued in the same suit or action, to satisfy the plaintiff's demand, and to return such writ in the same manner as other writs of attachment; property so levied upon shall be held and disposed of in the same manner as is now provided by law respecting property levied upon under and by virtue of original writs of attachment.

Duty of officer to whom such writ is directed.

SEC. 4. This act shall take effect and be in force from and after the passage thereof.

Approved February 8th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT ENTITLED AN ACT TO AMEND AN ACT TO ENABLE ROAD, DITCH, MANUFACTURING AND OTHER COMPANIES TO BECOME BODIES CORPORATE, APPROVED MARCH 11TH, 1864.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That section five of said act shall be and the same is hereby amended by striking out the words

Act of March 11th, 1864, amended.

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"and a majority of whom shall be residents of this Territory" in the fourth and fifth lines from the top of said section.

Same.

SEC. 2. That section twelve of said act shall be and the same is hereby amended by striking out the word "two," in the second line from the bottom of said section, and inserting the word "five" instead thereof.

Rates of toll prescribed by county commissioners.

SEC. 3. Whenever any corporation constituted or formed for the purpose of constructing a wagon road, according to the provisions of the act to which this act is amendatory, shall have constructed one mile or more of the road by such corporation to be constructed, it shall be lawfull [lawful] for the County Commissioners or the tribunal transacting county business of the county in which the portion of road so constructed shall lie, to prescribe the rates of toll to be charged and collected by such corporation, upon the portion of the road so constructed, and thereafter; and as other portions of the road, to be constructed by such corporation, shall be completed, such County Commissioners or tribunal transacting county business, shall prescribe rates of toll to be charged and collected upon other portions of the road so completed as aforesaid, and such corporation shall have power to erect toll-gates, not exceeding one to every ten miles, and to collect tolls thereat, at the rates prescribed, as aforesaid, until such road be completed; *Provided*, said road shall be completed within two years after such rates shall have been prescribed.

Toll gates to be ten miles apart.

Proviso.

Rates of toll how prescribed.

SEC. 4. Whenever any corporate body, organized under the act to which this act is amendatory, shall have fully completed the wagon road to be by them constructed, and the County Commissioners, or tribunal transacting county business of the county, in which the same shall be located, shall have prescribed the rates of toll to be charged and collected upon such road, such corporation shall be entitled to charge and collect toll at the rates so prescribed for two years thence next ensuing; and at the expiration of the term of two years after such rates shall be prescribed, and biennially thereafter, during the existance of such corporation, the County Commissioners, or tribunal transacting county business, shall prescribe the rates of toll to be charged and collected on such road for the two years thence next ensuing.

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SEC. 5. Whenever any wagon road, constructed by any corporation organized under the act to which this act is amendatory, shall be located in two or more counties it shall be lawfull [lawful] for the County Commissioners or tribunal transacting county business of the several counties, into or through which such road shall pass, to prescribe the rates of toll to be charged and collected by such corporation, on the portions or parts of such road lying within the limits of such counties, respectfully. [respectively]

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 8th, 1865.

A BILL

FOR AN ACT TO PROHIBIT PERSONS HOLDING OFFICE UNDER MUNICIPAL CORPORATIONS FROM ENTERING INTO CONTRACTS WITH SUCH CORPORATIONS AND FOR OTHER PURPOSES.

Be it enacted by the Council and House of Representaives of Colorado Territory:

SEC. 1. That it shall not be lawfull [lawful] for any Municipal Corporation in this territory to make or enter into any contract or agreement with any Alderman or Councilman of such Municipal Corporation whereby any sum of money, evidence of indebtedness or other thing of value shall be acknowledged to be due, or shall become due to such Alderman or Councilman.

Municipal corporation shall not enter into contract with Alderman, &c.

SEC. 2. No alderman or councilman of any incorporated town or city in this territory shall, during the term for which he shall have been or shall be elected, accept, take or receive to his own use, from the town or city of which he shall be an alderman or councilman, any sum of money or other thing of value other than that which is, by the act incorporating such town or city, provided to be paid to such alderman or councilman for his services as such alderman or councilman, and every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of

Alderman or Councilman shall not receive money from town or city, &c.

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Penalty. Half of fine to go to informer. Half to school fund.

competent jurisdiction, he shall be fined not less than one hundred dollars, nor more than five hundred dollars, the one-half thereof to go to the informer and the remainder to the school fund of the county in which such town or city shall be located, and he shall also cease to be an Alderman or Councilman, as the case may be, of such city or town.

Alderman or Councilman shall not be interested in contracts, &c.

SEC. 3. No alderman or councilman of any incorporated city or town in this territory shall, during the term for which he shall be elected, be interested or concerned in any way or manner directly or indirectly in any sale, purchase, bargain, contract or agreement whereby any sum of money shall become due to such alderman or Councilman from such town or city, or to any person for the use of any such alderman or Councilman, and any alderman or councilman who shall violate the provisions of this section shall be punished as provided in section two of this act.

Penalty.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, February 10, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO APPORTION THE TERRITORY OF COLORADO INTO COUNCIL AND REPRESENTATIVE DISTRICTS, APPROVED AUGUST 15, 1862.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Eleventh Representative District.

SEC. 1. That section twenty-one of an act entitled an act to apportion the Territory of Colorado into Council and representative districts, approved August 15th, 1862, be and the same is hereby amended so as to read as follows, to-wit: The eleventh Representative district shall include the counties of Conejos and Costilla, and shall be entitled to three Representatives.

Twelfth Representative District

SEC. 2. That section twenty-two of said act be and the same is hereby amended so as to read as follows, to-wit: The twelfth Representative district shall include the county of Huerfano and shall be entitled to one Representative.

Approved February 10th, 1865.

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AN ACT

To Divide the Territory of Colorado into Judicial Districts, and to Provide for the Holding of Courts in the Same.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Three Judicial Districts.

SEC. 1. The Territory of Colorado shall be and the same is hereby divided into three Judicial Districts, in the manner and with the limits in this act specified.

First District.

SEC. 2. The Counties of Arapahoe, Douglas, Weld, Lake, Park and Summit shall constitute the First Judicial District.

Second District.

SEC. 3. The Counties of Clear Creek, Jefferson, Gilpin, Boulder and Larime [Larimer] shall constitute the Second Judicial District.

Third District.

SEC. 4. The Counties of El Paso, [Paso,] Fremont, Pueblo, Huerfano, Costilla and Conejos shall constitute the Third Judicial District.

Certain Territory included in the First Judicial District.

SEC. 5. All of that portion of the Territory of Colorado which is not included within the limits of any of the Counties aforesaid, whether the same be Spanish Grants, Indian Reservation, or other territory and which lies north of a line running east and west through the most southerly point of Douglas County, shall be included in and constitute a part of said First Judicial District.

Certain Territory included in the Third Judicial District.

SEC. 6. All that portion of the Territory of Colorado which is not included within the limits of any of the counties aforesaid, whether the same be Spanish Grants, Indian Reservations or other territory, and which lies south of the line mentioned in section five of this act, shall be included within and constitute a part of said Third Judicial District.

Hon. Chas. Lee Armor [Armour] assigned to First Judicial District.

SEC. 7. The Hon. Charles Lee Armor is hereby assigned to the First Judicial District as the Judge thereof, and he shall reside in said district and hold terms of court therein, at the time and places as follows, that is to say: at the City of Denver, in the County of Arapahoe, commencing on the first Tuesday of March and December and the second Tuesday of June in each and every year. At Laurette, in the County of Park, commencing on the third Tuesday of may and the first Tuesday in August in each and every year. At Breckenridge, in the County of Sum-

Terms of court in Arapahoe county.

Terms of court in Park county.

Terms of

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mit, commencing on the third Tuesday of August in each and every year. At Oro City, in the County of Lake, commencing on the second Tuesday of September in each year.

Terms of court in Summit county.

Terms of court in Lake county

Hon. A. A. Bradford assigned to Second District.

SEC. 8. The Hon. A. A. Bradford is hereby assigned to the Second Judicial District as the Judge thereof and he shall reside in said District and hold terms of court therein, at the times and places following, that is to say: At Central City, in the County of Gilpin, commencing on the first Tuesday of April and on the second Tuesday in July and October in each and every year. At Idaho, in the County of Clear Creek, commencing on the second Tuesday of May and on the third Tuesday of November in each year. At Golden City, in the County of Jefferson, commencing on the second Tuesday in February and on the third Tuesday of August in each and every year. At Boulder City, in the County of Boulder, commencing on the third Tuesday of March in each year.

Terms of court in Gilpin county.

Terms of court in Clear Creek county.

Terms of court in Jefferson county.

Terms of court in Boulder county.

Hon. S. S. Harding assigned to Third Judicial District.

SEC. 9. The Hon. Stephen S. Harding is hereby assigned to the Third Judicial District as Judge thereof, and he shall reside in said District and hold terms of Court therein at the time and places following, that is to say: At Pueblo, in the County of Pueblo, commencing on the first Tuesday in May and the second Tuesday in September in each year. At San Luis or Middle Culebra, in the County of Costilla, commencing on the first Tuesday of August in each year.

Terms of court in Pueblo county.

Terms of court in Costilla county.

U. S. District Court for the First Judicial District to be held at Denver City when.

SEC. 10. Terms of the District Courts of the United States for the transaction of business arising under the Constitution and Laws of the United States in the First Judicial District, shall be held at Denver City in said district at the time herein before provided for the holding of courts at said Denver City.

U. S. District Court for Second District to be held at Central City when.

SEC. 11. Terms of the District Courts of the United States for the transaction of business arising under the Constitution and Laws of the United States in the Second Judicial District, shall be held at Central City, in the said District, at the time hereinbefore provided for the holding of Courts at said Central City.

U. S. District Court for Third District to be held in Third District, when.

SEC. 12. Terms of the District Courts of the United States for the transaction of business arising under the Constitution and Laws of the United States in the Third Judicial District, shall be held at Pueblo, in said Third District, at the times hereinbefore provided for the holding of Courts at said Pueblo.

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SEC. 13. All suits, actions, indictments, processes and proceedings pending in the District Courts of the United States for the First Judicial District, as hereinbefore organized and constituted, shall be deemed and held to be pending in, and shall be tried in and by the District Court of the United States for the First Judicial District as constituted, organized and enacted by this act, and all suits, actions, indictments, processes and proceedings pending in the District Court of the United States for the second and third Judicial Districts as heretofore organized and constituted shall be deemed and held to be pending in and shall be tried in and by the District Courts of the United States for the Third Judicial District as constituted, organized and enacted by this act.

Certain cases to be tried in First Judicial District.

Causes pending in Second and Third Districts to be tried in Third District.

SEC. 14. The successors in office of the several Judges hereinbefore assigned to the several districts, respectively, shall hold the term of Court as provided in this act in the said several districts, respectively.

SEC. 15. The Counties of Weld and Douglas shall be and the same are hereby attached to the County of Arapahoe for judicial purposes.

Weld and Douglas counties attached to Arapahoe

SEC. 16. The County of Larime [Larimer] shall be and the same is hereby attached to the County of Boulder for judicial purposes.

Larimer county attached to Boulder.

SEC. 17. The Counties of El Paso, Fremont and Huerfano shall [be] and the same are hereby attached to the County of Pueblo for judicial purposes.

El Paso, Fremont and Huerfano counties attached to Pueblo.

SEC. 18. The County of Conejos shall be and the same is hereby attached to the County of Costilla for judicial purposes.

Conejos county attached to Costilla.

SEC. 19. Each county shall be liable for the expenses incured [incurred] by the same, on account or by reason of said courts, and the Clerk of each Court shall, at the conclusion of each term, or within thirty days thereafter, make out and certify, under seal of said Court, a correct account of all the expenses incured [incurred] at said term by each of the counties attached to the one in which said term of court is held and transmit the same to the Board of Commissioners of such County incurring such expenses, who shall, at the first meeting thereafter, credit the same and give orders on the County Treasurer for the payment thereof to the parties entitled thereto as in other cases of payment of county expenses.

Each county liable for its own expenses.

Clerk to transmit certified account to county commissioners.

County commissioners to audit and pay expenses of court.

SEC. 20. In any county attached to another for judicial purposes, when the same is organized, process

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Process, how issued.

shall issue to the Sheriff of such county in all cases where the defendent [defendant] or defendents [defendants] reside or where the matter or thing in dispute is situated in such county to which such process is sent.

Duty of deputy clerk.

SEC. 21. It shall be the duty of the Deputy Clerk of the said District Court in such counties as are hereby attached to other counties for judicial purposes to inclose the original papers in such courts, civil or criminal, now or hereafter pending in said county, together with a certified copy of all entries made in such cases, in an envelope, sealed up and by him directed to the Clerk of the District Court of the district and in the county to which his said county may be attached for judicial purposes, and upon the receipt of such papers by the Clerk of such District Court it shall be his duty to open and file the same and thereupon said cause shall be proceeded with in all respects as if originally commenced in the county in which said court is held.

Jurors, how summoned.

SEC. 22. In cases where two or more counties are attached for judicial purposes as provided in this act, jurors shall be summoned from the several counties so attached in proportion, as near as may be, to the population and business of said counties respectively.

Actions, how disposed of.

SEC. 23. All causes, actions and proceedings, civil and criminal, instituted, pending or brought in any court of this territory in which process has been issued prior to the passage of this act, returnable to any term of court as provided by existing laws, shall be deemed and held to be pending in such courts at the term provided in this act, next succeeding the term to which such process shall have been made returnable, and such process shall be deemed and held returnable to the term of such courts provided in this act next succeeding the term to which the same has been made returnable: *Provided*, That in all cases in which a term of any court shall by this act be required to be held prior to the time which process shall have been made returnable, according to existing laws as aforesaid, it shall be lawfull [lawful] for the parties to the action in which such process shall have been issued, to sue out, and for the clerk of any court in which such action shall be pending to issue other process returnable to the term of such court provided by this act, and thereafter the suit action or proceeding shall proceed as if the same had been originally brought to the

Proviso.

Duty of clerk to issue other process, etc.

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term of such court fixed by this act; *and provided further*, That in suits instituted by attachment when the writ shall have been mad [made] returnable as aforesaid, a new writ may be issued, returnable to the next term of the court out of which the same shall have been issued or fixed by this act, and returnable as provided by existing laws, and if the same shall not be served upon the defendent [defendant] or, defendents [defendants] named therein, such defendent [defendants] shall be notified by publication to appear at the next term of such court as fixed by this act, in the way and manner provided by existing laws, and thereupon the court shall proceed in the same manner as other suits of the same nature instituted to such term.

Suits by attachment new writ may be issued when.

Defendants notified by publication, when.

SEC. 24. All suits, actions, causes and proceedings, civil and criminal, now pending in the District Courts of any of the counties of this Territory, respectively, shall be deemed and held to be pending in the District Courts of the said counties, respectively, as named and designated by this act.

SEC. 25. An act entitled "An act concerning the District and Supreme Court, approved November 8th, A. D., 1861;" and an act entitled "An act to divide the Territory of Colorado into "Judicial Districts, and to provide for the time of holding courts in the same, approved August 15th, A. D. 1862;" and an act entitled "An act to divide the Territory of Colorado into Judicial Districts and provide for holding courts in the same, approved March 5th, A. D., 1864;" and an act entitled 'An act supplementary to an act entitled 'An act to divide the Territory of Colorado into Judicial Districts, and to provide for the time of holding courts in the same, approved March 5th, A. D. 1864;'" and all acts and parts of acts inconsistant [inconsistent] with this act shall be and the same are hereby repealed.

Repealing clause.

SEC. 26. Whenever the Judge assigned to any Judicial District shall, in writing, request any other Judge of the Territory to hold any term of court in the District to which the Judge making such request shall have been assigned, it shall be lawfull [lawful] for the Judge receiving such request, upon filing the same with the Clerk of the Court so to be holden, to hold such term in like manner and with like effect as if the same were holden by the Judge assigned to such District.

Judge of one district may hold term in another.

Judge shall file request with clerk, etc.

SEC. 27. This act shall take effect and be in force and after its passage.

Approved February 10th, 1865.

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AN ACT

AMENDATORY AND SUPLEMENTAL [SUPPLEMENTAL] TO AN ACT ENTITLED "AN ACT REGULATING ELECTIONS," APPROVED NOV. 6TH, 1861, AND REPEALING AN ACT ENTITLED "AN ACT TO ENABLE CITIZENS OF THIS TERRITORY IN THE MILITARY SERVICE OF THE UNITED STATES TO VATE [VOTE.]" APPROVED MARCH 11TH, 1865.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Adjutant General shall make list of names of electors in military service.

SEC. 1. It shall be the duty of the Adjutant General of the Territory, on [or] before the first day of June, eighteen hundred and sixty-five, and of each and every year thereafter, to make a liste, [list] as nearly perfect as practicable, of the names of all the electors, residents of the Territory of Colorado, who shall then be in the military service of the United States, which name [names] shall be arranged in alphabetical order and said list shall give the rank of each of said electors in said service: if a regimental or staff officer, the number of the regiment to which he is attached, and if a line or non-commission [non-commissioned] officer, musician or private, the number of the regiment, battalion, squadron of cavalry or battery of artillery, and the letter of the company in such regiment, squadron or battery to which he belongs, and also, the county in the territory in whicn he reside [resided] at the time of his enlistment. Said list shall be delivered by the Adjutant General to the Secretary of the Territory, on or before the first day of June, eighteen hundred and sixty-five, and of each and every year hereafter.

To deliver list to Secretary of Territory

Secretary shall classify.

SEC. 2. The Secretary of the Territory shall classefy [classify] and arainge [arrange] the list returned to him as aforesaid and shall make therefrom seperate [separate] list [lists] of the electors belonging to each regiment, battalion, squadron and battery from this Territory which shall then be in the cervice [service] of the United States, and shall, on or before the fifteenth day of June, eighteen [hundred] and sixty-five, and of each and every year thereafter, transmit by male [mail] or otherwise to the commanding officer of each regiment, battalion and battery as aforesaid a list of electors [elcctors] belonging thereto which said list

Shall transmit to commander of regiment.

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shall specify the name, residence and rank of each elector and to the company [to] which he belongs if any, and also the county and district of officers for which said electors [elector] is entitled to vote, together with a copy of this act either written or printed, and in case any regiment in the field shall be devided [divided] and stationed in different [different] places or localities, the commanding officer of such regiment shall, upon receiving from the Secretary of this Territory the list of the electors in the regiment under his command, forthwith transmit to the officer having for the time being a portion or detachment of such regiment under his command, a list of the electors belonging to such detachment or portion of such regiment, which said list shall be a transcript of the list furnished by the Secretary of this Territory so far as relates to the electors embraced [embraced] therein, and shall be sertified [certified] by the commande [commander] of the regiment, and in any case any company or detachment of a company numbering over twenty-five men shall be detached for special service, for any time which shall include any day of election hereinafter provided for, it shall be the duty of the commander of the regiment, if an entire company, and of the commander of the company, if of a portion of a company, to furnish a list [of] such detachment transcribed and certified as aforesaid.

Shall transmit copy of this act.

Duty of commander of regiment.

SEC. 3. Such electors so registered shall be fully entitled to vote for all territorial officers and district and county officers, under the provisions of this act, for which, by reason of their residing in the several counties of this territory, they would be authorized to vote and for no other, as fully and rightfully as they would be entitled to vote [at] elections in the several districts and counties in which they reside, and the vote so given by such electors at such time and place shall be considered taken and held to have been given by them in the reslective [respective] counties of which they are residents.

Sold are entitled to vote.

SEC. 4. On every day fixed by law of Congress or by the laws of this territory for holding any general election, an election shall be held under the provisions of this act, and a ballat [ballot] box or other suitable [suitable] receptacle for votes shall be provided and votes received from the electors whoes [whose] names are upon the aforesaid list, at each place where a regiment, detachment of a regiment, a battalion, squadron,

Shall vote, how.

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battery company, or detachment of a company numbering twenty-five men of Colorado soldiers may be stationed or encamped.

Senior officer to have charge of election.

SEC. 5. Such election shol [shall] be held and such votes received under the supervision and charge of the highest or senior officer of such regiment or parts of regiments hereinbefore designated, which said officers shall, before opening said election, publicly take the following oath which should first be administered by the sworn officer, who shall in turn be sworn by one of those already having taken the said oath, and said judge shall choose one non-commissioned officer or private to act as the clerk of the election who shall likewise take the same oath, to-wit: "I, A. B., do solemly [solemnly] swear or [affirm] that I will perform the duties of [of] judge (or clerk as the case may be) according to the law and the best of my abilitee, [ability] that I will studiously endever [endeavor] to prevent fraud, deceit, coerison [coercion] and abuse in conducting the same." One of the said judges shall receive the ballots of the electiors [electors] as presented, and deposit them in the box, which ballot shall have the name and office of the person voted for fairly written or printedon one piece of paper, and the name of each elictor [elector] voting as aforesaid shall be checked at the time of voting, by one of the officers having charge of the ballot box, as aforesaid, upon the list furnished, and at the same time the clerke [clerk] shall write the name of the person voting in a separate list kept by him; and the officer receving [receiving] said votes shall exercise due care [and] deligence [diligence] to prevent any soldier voting by mistake for any office except such as he is intitled [entitled] to vote for, but no officer shall open or examine any balot [ballot] before the same shall be deposited in the balot [ballot] box; said election shall be opened, when practicable, at eight o'clock in the morning of said day, or if not then, at such hour in said day as may be agread [agreed] upon by the officers having the election in charge, and at leaste (least) an hour's notice shall be given before closing the same, and it shall remain open a sufficent length of time to enable the electors belonging to such regiment or parts of regiments, as aforesaid; to vote.

Shall appoint clerk.

Shall take oath.

Clerk shall keep poll book.

Election shall be opened, when.

SEC. 6. When said electors shall be duly chosen, the officers conducting it shall compare the list of the clerk with the regester (register) checked by the judge

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and correct the same, and when such ballot shall have been counted the officers conducting said election shall make out and signe (sign) a certificate of the result of said election attested by the clerk of said election, which certificate shall be taken as evidence of the votes cast, and the commanding officer of such regiment, battalion, squadron, battery or detachment, as the case may be, shall seal up and forthwith transmit the same to the Secretary of the Territory, and the checked list and the list of the clerk shall be preserved as far as practicable in the archives of the regiment or various companies.

Judge shall certify to result. Clerk shall attest.

Shall seal up and transmit to Secretary.

SEC. 7. The form of return of votes to be made by the commanding officer to the Secretary shall be substancially (substantially) as follows: "Return of soldiers vote in the (herein sirt (here insert) the regiment or parts of regiments, and its camp or station.) I hereby certify that on ——— day of ——— year the electors belonging to the (here inser the regiment or portion of regiment) cast the following number of votes, respectavely (respectively) for the person hereinafter stated for the office designated. To (here inserte (insert) name, number of votes and office for which cast, and in like manner for each canidate (candidate) give the number in full boath (both) in figures and in writing against the name of each canidate (candidate) pursuing substantialy (substantially) the same form, specifying perticuarly (particularly) each county or district for which votes were cast, and the name of the person voted for." Said return shall be upon one piece of paper or upon differand (different) pieces of paper connected or fastened together.

Form of return.

SEC. 8. Any commanding officer or officers who shall neglect or refuse to make such return, as provided in this act, or shall make or cause to be made any false or fraudulent return of such votes, and any officer who shall by command, intimidation, thereat (threat) or promise of advantage or preferment influence the vote of any soldier under his command, or in like manner endevor (endeavor) to induse (induce) any soldiers to refrain from voting for any perticular (particular) canidate (candidate) or canidates (candidates) for which he shall be entitled to vote, such officer shall forfeit the sum of one hundred dollars to the treasurer of the county in which the presiouton (prosecution) may be commenst (commenced), and any act so committed shall be so considered, taken, and held to have

Penalty for neglect or making false returns

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been committed by such officer, within the jurisdiction of this territory, and such officer shall be liable to be prosecuted for such offence before any Justice of (the) Peace in any county in this territory at any time within one year after said officer shall return to this territory.

May be prosecuted, when.

Duty of Secretary of Territory

SEC. 9. It shall be the duty of the Secretary of this Territory, upon the receipt of votes, as aforesaid, to transmit to the clerk (clerks) of the several counties of this territory such portion of the return of soldiers' votes as he shall have received affecting the election of officers in their county or district and the several persons whose duty it is to concara (canvass) the votes given for county and district officers are hereby directed to wate (wait), before completing said canvars (canvass) until fifty days from the time when such general county or special election may be held, unless said votes are sooner received, and it is hereby made their duty, and they are directed to count the votes aforesaid from the certificate of election which shall have been returned in the manner heretofore prescribed.

Canvassers shall wait fifty days.

Territorial board of canvassers shall canvass.

SEC. 10. The territorial board of canvassers provided by law in all cases, when it is made their duty by law to canvass the votes and certify the election of any officers in these (this) territory, shall count and include votes given by the electors belonging to the regiments and parts of regiments and returned in the manner herein prescribed.

Repealing clause.

SEC. 11. That all acts and parts of acts inconsistant (inconsistent) with the provisions of this act be and the same are hereby repealed.

Approved February 10th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT REGULATING ELECTIONS, APPROVED NO. (NOVEMBER) 6TH, 1861."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the words "Members of the Council and House of Representatives of the Legislative Assembly, and," occurring in the fourteenth (14), fif-

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teenth (15), and sixteenth (16) line of section thirty-two (32) of said act are hereby stricken out and shall hereafter be of no effect. Act of Nov. 6th, 1861, amended.

SEC. 2. The words "and Members of the Council and House of Representatives" are hereby inserted in the fifteenth line of section thirty-six (36) of said act, immediately after the words "Territorial officers," so that the first clause of said section (36) as hereby amended, shall read as follows, to-wit: "The Secretary of the Territory, Auditor, Treasurer, or any two of them, in the presence of the Governor, shall proceed, within fifty days after the election, and sooner if all the returns be received, to canvass the vote (vote) given for all Territorial officers and members of the Council and House of Representatives, and the Governor shall give a certificate of election to the persons having the highest number of votes for each office." Secretary, Auditor and Treasurer shall canvass vote. Governor shall give certificate of election.

Approved February 9th, 1865.

AN ACT

TO AMEND "AN ACT CONCERNING FENCES, APPROVED MARCH 17TH (11TH), 1864."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That section 1 (one) of an act entitled "An act concerning fences" be amended by striking out of third line of said section, after the word "fence" in second line, the following words, to-wit: "four feet," and insert, in lieu thereof, the words "four feet six inches." Lawful fence, what shall constitute.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1865.

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AN ACT

FIXING THE COMPENSATION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF COLORADO, AND AMENDATORY TO THE SEVERAL ACTS HERETOFORE PASSED REGULATING THE FEES OF OFFICERS, JURORS AND WITNESSES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

PER DIEM OF MEMBERS OF LEGISLATIVE ASSEMBLY.

SEC. 1. That members of the Council and House of Representatives of Colorado Territory shall receive in addition to the *per diem* paid by the General Government the sum of five dollars per day for their services in attendance on the sessions of the said Council and House of Representatives which convened on the second day of January, A. D., 1865, at Golden City, and all members elected to the Council and House of Representatives hereafter in this Territory, shall receive the aforesaid additional sum of five dollars per day for their services as aforesaid.

Auditor shall draw warrant for pay of members of Legislature.

SEC. 2. The Auditor of the Territory is hereby directed and authorized to draw a warrant on the Territorial Treasurer in favor of each member of the said Council and House of Representatives, in payment of the additional amount as above specified, on the presentation to him by such member of a certificate signed by the Clerk or Secretary of the House of which he was a member, certifying that the holder thereof was a member of such body, and was in actual attendance on the duties of the same; and upon the presentation of such warrant to the Territorial Treasurer he shall pay the same out of any funds in the Treasury not otherwise appropriated; *Provided*, That no member shall receive pay for more days than he was in actual attendance.

SEC. 3. That "an act regulating the fees of officers, jurors and witnesses, approved November 8th, 1861;" and an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses, approved March 11th, 1864," be and the same are hereby amended as follows:

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SHERIFFS' FEES.

SEC. 4. The fees of Sheriffs in Colorado Territory shall hereafter be as follows, to-wit: For serving summons on each party, one dollar and twenty-five cents. For serving subpœna on each party, seventy-five cents. For summoning each juror, seventy-five cents. For advertising property for sale, besides the actual expenses, two dollars. For returning each process, seventy-five cents. For each mile actually traveled, in all cases, twenty cents. For levying executions, one dollar and fifty cents. For serving each *scire facias*, one dollar and fifty cents. For committing or discharging prisoners to or from jail, one dollar. For dieting prisoners the Sheriff shall receive such reasonable sum per day or week as the board of County Commissioners, upon a full statement of the costs of boarding such prisoners, shall audit and allow; and in all such cases the board of County Commissioners shall allow only the cost of simple, plain food, with reasonable compensation for preparing the same. For attending with prisoners before any Judge, on writ of *habeas corpus*, one dollar and twenty-five cents. For serving writ of possession, with aid of *posse comitatus*, five dollars; without such aid, two dollars and fifty cents. For attending District Court, or County or Probate Courts, per day, four dollars, to be paid out of County Treasury. For executing deed upon sale of real estate, three dollars and fifty cents. For making certificate of sale two dollars. For taking bond, in any case, one dollar and fifty cents. For executing *capias* in criminal cases, on each party, one dollar and fifty cents. For transporting prisoners, per mile, thirty cents. For making and recording certificate of levy in attachment or other cases, two dollars. For executing sentence of death, fifty dollars.

WITNESSES' FEES.

SEC. 6. Witnesses attending in any court of record, or before a commissioner or referee, per day, two dollars and fifty cents; in justices' courts, two dollars, and twenty cents per mile for every mile actually traveled, in going from the residence of the witness to the place of holding court.

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JURORS' FEES.

SEC. 6. Jurors' fees in district courts, per day, two dollars and fifty cents. Before justices of the peace, per day, two dollars; attending inquest over dead body, to be paid out of the county treasury, two dollars each; mileage for each mile actually traveled, twenty cents per mile.

COUNTY TREASURERS' FEES.

SEC. 7. The county treasurer shall receive the following compensation: for collecting taxes on the first three thousand dollars, ten per cent.; on amount between three and four thousand dollars, six per cent.; on amount between four and five thousand dollars, four per cent.; on all sums over five thousand and under ten thousand dollars, three per cent.: on all sums over ten thousand dollars, two per cent. For receiving and paying out all monies, otherwise than taxes and school fund, three per cent. For every mile traveled, in going to and returning, to make settlement with Teritorial (Territorial) Treasurer and Auditor, and to make deposits of territorial revenue, twenty cents per mile. If, in the opinion of the commissioners of any county, the above specified per centage is deemed by them inadequate to collect the taxes of their county, they are hereby authorized and empowered to pay a greater per centage for collecting the same than that specified above; *Provided*, that such per centage does not exceed fifteen per cent. on the amount so collected.

COUNTY CLERKS' FEES.

SEC. 8. The county clerks shall be and the same are hereby authorized to receive the same fees as district clerks for like services. For entering each order of court, thirty-five cents. For administering each oath, twenty cents. For each certificate and seal, seventy-five cents. Each bond and licence (license), three dollars. Taking proof in estray cases, and granting certificate of same, two dollars. For advertisments (advertisements), including copy for newspaper publication, one dollar and fifty cents. For trying and sealing weights and measures by county standard, fifty cents. For every certificate of magistracy, under seal, seventy-

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five cents. For every instrument authorized to be recorded, first one hundred words, forty cents; for each additional folio, twenty-five cents. For each entry in index, ten cents. For certificate of record, fifty cents. Taking acknowledgements, seventy-five cents. Copies of record, per one hundred words, twenty cents. For making search of records, when no certificate is given, twenty-five cents. For recording town plats, for first one hundred lots or less, five dollars, for each additional lot, two cents. For making abstracts, for first five conveyances or entries or less, each, fifty cents. For each additional conveyance or entry, each, twenty-five cents.

COUNTY ATTORNEYS' FEES.

SEC. 9. The fees of County Attorneys shall hereafter be as follows: In all civil cases, a docket fee of ten dollars. For all collections for territory, when the amount is under five hundred dollars, ten per cent. Fee for every criminal trial or examination before a Justice of the Peace, five dollars. In cases where more than one day is consumed in such trial or examination by change of venue or otherwise, per day, five dollars. For every conviction for misdemeanor, in District Court, fifteen dollars. For every conviction for felony, in District Court, twenty-five dollars. For every conviction in capital cases, fifty dollars. Per diem for each day neccessarily employed in attending cause on change of venue, in District Court, five dollars. For drawing each indictment, ten dollars. No fees shall be allowed for drawing any indictment which may be quashed.

FEES OF JUSTICES OF THE PEACE.

SEC. 10. The fees of Justices of the Peace in the Territory of Colorado shall be as follows to-wit: For docketing each case twenty-five cents. For issuing summons for one person, seventy-five cents, for each additional person named therein, fifty cents. For each order of arrest, seventy-five cents. For each attachment against property, one dollar and twenty-five cents. For attachment against persons, for contempt, seventy-five cents. For each *mittimus*, one dollar. For subpœna, for one person, fifty cents, for each additional person, twenty-five cents. For each venire, one

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dollar. For each execution or order of sale, one dollar. For each writ of restitution, one dollar. For warrant for one person, criminal, one dollar, for each additional person, fifty cents. For order on jailor for person or persons, seventy-five cents. For writs of forcible entry or detainer, one dollar and fifty cents. For every other writ required by law, fifty cents. For hearing each preliminary or dilatory motion, fifty cents. For judgments on merits or for costs, seventy-five cents. For dismission or discontinuance, fifty cents. For taking verdict, twenty-five cents. For making up docket, each one hundred words, twenty-five cents. For each certificate, fifty cents. For transcript of docket or other writing, each one hundred words, twenty-five cents. For swearing jury, twenty-five cents. For administering each oath, twenty-five cents. For filing each paper, fifteen cents. For taking each bond or undertaking, fifty cents. For appointing special constable, twenty-five cents. For taking each acknowledgement, fifty cents. For trying each cause of forcible entry and detainer, two dollars. For trying each criminal cause or misdemeanor, one dollar. For trying each civil cause, one dollar. For taking depositions, each one hundred words, twenty-five cents. For writing affidavit or other writing not provided for, each one hundred words, twenty-five cents. For performing duties as coroner, same fees as coroner. For marrying each couple and making returns, five dollars.

FEES OF CONSTABLES.

SEC. 11. The fees of Constables in Colorado Territory shall be as follows to-wit: For serving each warrant or other writ not herein provided for, on each person therein named, one dollar. For serving each summons, on each person, seventy-five cents. For serving each subpœna, on each person, fifty cents. For serving attachment, one dollar. For serving writs of replevin, and appointing appraisers, two dollars. For returning each process, fifty cents. For serving and levying executions, one dollar. For conveying prisoners to and from jail, one dollar. For serving writ, with aid of *posse comitatus*, five dollars. For taking replevin or other bond, one dollar. For transporting prisoners, per mile, twenty-five cents, for each mile actually traveled in all cases, twenty cents. For

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attending at each jury trial, occupying one half day, two dollars; for each additional six hours, one dollar. For attending on each trial or examination, without a jury, one dollar and fifty cents. For commissions on money collected, without sale, five per cent on all sums of one hundred dollars or under; on all sums over one hundred dollars, three per cent. On all sums of money collected, by sale, of sums of one hundred dollars and under, eight per cent., and on all sums over one hundred dollars, five per cent.

SEC. 12. All acts and parts of acts conflicting with the provisions of this act are hereby repealed; and all the officers in this act named shall hereafter receive the fees specified in this act and none other.

SEC. 13. This act shall take effect and be in force from and after its passage.

FEES OF PROBATE JUDGES.

SEC. 14. That hereafter the several Probate Judges in this Territory shall receive the following fees for services performed by them: For appointing an executor, administrator, guardian or trustee, and certifying the same if contested, ten dollars; if not contested, five dollars. For granting letters testamentary or of administration, and affixing seal thereto, three dollars. Taking bond of executor, administrator or guardian and approving same, two dollars. Administering oath to each executor, administrator or guardian, fifty cents. Taking proof of will or codicil, two dollars and fifty cents. For recording any will, codicil or other paper, for each one hundred words, twenty-five cents. For examining each inventory, bill of sale or account current, filed by an executor, or administrator, one dollar. Entering the settlement of executors and administrators, twenty-five cents per folio of one hundred words. For all copies of orders, papers and proceedings, twenty-five cents per folio of one hundred words. For each decree limiting the time for exhibiting the claims of creditors, one dollar. For each order of distribution, three dollars. For exemplified copies of records, per folio of one hundred words, twenty-five cents. Making order for publications, fifty cents. Allowing appeal to district court, one dollar and fifty cents. Issuing each writ, summons or citation, one dollar and fifty cents. Administering oath and certificate thereof, forty cents. Ad-

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ministering oath to witness, twenty cents. Issuing subpœna, seventy-five cents. Entering each order, decree or judgment not herein enumerated, seventy-five cents. Filing any paper pertaining to any estate, fifteen cents. Granting letters of guardianship or trusteeship, two dollars. Taking and approving any bond, not herein before specified, one dollar. Revoking letters testamentary of administration, guardianship or trusteeship, two dollars. Administering oath to jury, thirty cents. Taking acknowledgments of interests, seventy-five cents. Issuing venire for jury, seventy-five cents. Entering verdict, fifty cents. Allowing or disallowing demands against an estate, forty cents. Entering order of continuance, fifty cents. Decree for settling estate, five dollars. For each hearing on petition for partition of real estates, or sale of real estate, three dollars. For making and entering each order [for] the sale of personal property, one dollar. For making and entering each order or decree for the sale or partition of real estate, two dollars and fifty cents. For solemnizing marriages, five dollars.

Probate Judge shall receive same fees as Justice of the Peace.

SEC. 15. For all cases in which a probate judge shall perform the duties of a justice of the peace, he shall receive the same fees as are provided by law to be paid to justices of the peace for like services. In all cases instituted or brought in the probate court of any county, the judge of such court shall be entitled to a docket fee of five dollars; and in all cases in which the final hearing or trial of any cause shall consume more than one day, the judge of such court shall be entitled to an additional sum of five dollars for each day after the first day occupied in such hearing or trial, to be taxed as costs against the unsuccessfull party.

Docket fee.

Per diem of

COUNTY COMMISSIONERS' FEES.

SEC. 16. That the County Commissioners of the several counties of this Territory be allowed five dollars per day, for each day spent in the performance of their respective duties and no more.

Approved February 10th, 1865.

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AN ACT

To Authorize the County Commissioners of the Several Counties in Colorado Territory to Procure Copies of the Original Field notes, and Plats of Surveys of all Lands Surveyed in their respective Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory:

County Commissioners may procure copies of.

Sec. 1. The County Commissioners of each County in Colorado Territory, are hereby authorized and empowered, whenever they shall deem it expedient and necessary, to employ some competent person, at the expense of the county, to make copies of the original field notes and platts [plats] of surveys of all lands surveyed or hereafter to be surveyed, by the officers appointed by the general government within their respective counties.

Shall employ competent person to copy.

Sec. 2. The said commissioners shall procure the necessary books in which such copies shall be made, and stationery for the purpose aforesaid, and shall, by contract or otherwise, fix the compensation of the person employed to procure and make such copies of said field notes and platts [plats], to be paid out of the county treasury, in the same manner as other expenses are paid.

Shall be filed.

Sec. 3. The said copies of such field notes and platts [plats], when so made, shall be filed in the office of the county clerk of the proper county, and shall thereafter be a part of the public records of said county.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, February 9, 1865.

AN ACT

To Create the Office of Flour Inspector.

Be it enacted by the Council and House of Representaives of Colorado Territory:

Sec. 1. It shall be the duty of the Probate Judge

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Probate Judge shall appoint.

in each and every county in this territory, to appoint one or more suitable persons, who shall act as Flour Inspector, within the county where they reside, and shall hold their term of office for one year, or until their successors are appointed and qualified, unless sooner removed from office as provided in this act. But not more than one such person shall be appointed in any city, town, or township.

Term o office.

Shall take oath.

Shall give bonds.

SEC. 2. It shall be the duty of the person so appointed, before entering upon the duties of his office, to take oath of office prescribed by law, and he shall also give bonds to the territory of Colorado in the penal sum of two thousand dollars, with two or more good sureties, to be approved by the county commissioners, conditioned that he will faithfully perform the duties of his office.

Duties.

SEC. 3. It shall be the duty of the Flour Inspector so appointed, on application of any person owning flour or having the same in charge, to proceed to the place where the flour may be, and at once to inspect the same, and after inspection, mark upon the sack, package, bag or barrel containing the same its character, whether fine, superfine, extra superfine, scratched or condemned, and one inspection of any flour will pass the same through every county in the Territory.

Penalty for false marking.

SEC. 4. If any Flour Inspector shall inspect and mark any sack, bag, package or barrel of flour whereby said mark shall indicate a different grade of flour from that contained therein, he shall be guilty of a misdemeanor, and for each and every sack, bag, package or barrel so marked, he shall forfeit and pay the sum of twenty-five dollars, which shall go to the school fund of the county, to be recovered by action of debt instituted in the name of the county in which the offense was committed, in any court of competent jurisdiction, and in case of proof of the incompetency of any person appointed to said office of Flour Inspector before the board of county commissioners, if the said board is satisfied of such incompetency, it shall be their duty to remove such incompetent person from the said office of Flour Inspector.

County commissioners may remove.

Penalty for selling flour without brand.

SEC. 5. If any person shall sell any sack, bag, barrel or package of flour weighing forty-eight pounds or more without the inspectors mark thereon, he shall be subject to the same penalty as that prescribed in the

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last preceding section, to be recovered in the same manner, and the money so recovered to be paid into the school fund as provided in section four.

SEC. 6. If any person in possession or having controll [control] of any sack, bag, package or barrel of flour with the inspector's mark thereon, shall wrongfelly, wilfully and corrnptly change or shift said flour from the sack, bag, package or barrel and put therein other flour different from that indicated by the Inspector's mark thereon and sell the same, he shall be guilty of a misdemeanor and for each and every sack, bag, package or barrel of flour so shifted or changed as aforesaid, he shall forfeit and pay the sum of twenty-five dollars. Penalty for shifting or changing.

SEC. 7. The Inspector shall receive the sum of ten cents for each and every sack, bag, package or barrel of flour by him inspected and marked for the first one hundred in any one lot; for over one hundred and under three hundred in any one lot, theum of seven cents for each sack, bag, package or barrel of flour so inspected and marked; and for all over three hundred in any one lot, the sum of five cents for each sack, bag, package or barrel of flour so inspected or marked, to be paid by the person or persons making the application. Fees of inspector. By whom paid.

SEC. 8. This act shall take effect and be in force from and after its passage, except section 5, thereof, which said section shall take effect and be in force on and after the first day of April, A. D., 1865.

Approved February 8th, 1865.

AN ACT.

To Prevent Gamblers or Keepers of Gambling Houses from Serving as Jurors.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That no person shall be eligible as a juror in any court in this territory who is a known professianal gambler, or who keeps a house, room, saloon or other place in which gambling is carried on, Gamblers not eligible as jurors.

Approved February 10th, 1865.

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A BILL

FOR AN ACT LIMITING THE OPERATION OF AN ACT ENTITLED "AN ACT TO SUPPRESS GAMBLING AND GAMBLING HOUSES, APPROVED MARCH SECOND (2ND), IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-FOUR (1864)," AND REPEALING CERTAIN PARTS OF SECTION THIRTY-ONE (31) OF AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO INCORPORATE THE CITY OF DENVER, APPROVED MARCH ELEVENTH, (11TH), IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-FOUR (1864.)"

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the provisions of an act entitled "An Act to suppress Gambling and Gambling Houses," approved March second (2nd), in the year eighteen hundred and sixty-four (1864), shall not be operative in the City of Denver, and that all matters relating thereto shall be controlled and regulated the same as before the passage of said act, by the ordinances of the Council of the City of Denver under the provisions of the charter of said city.

Gambling in Denver regulated by city council.

SEC. 2. That so much of section thirty-one (31) of an act entitled "An Act to Incorporate the City of Denver, approved March eleventh (11th), in the year eighteen hundred and sixty-four (1864)," as prohibits the City Council of the City of Denver from licensing gambling houses, is hereby repealed.

City council may license.

Approved February 9th, 1864.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CONCERNING JUDGEMENTS [JUDGMENTS] AND EXECUTIONS, APPROVED NOVEMBER 4TH, 1861."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That section nine of an act entitled "An Act concerning judgements [judgments and executions, approved November 4th, 1861," shall be and the

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same is hereby amended by striking out the words "and his personal property" in the third and fourth line from the top of said section.

Gold and silver coin, etc., may be levied upon or attached.

SEC. 2. All current gold and silver coin, bank bills and other evidence of debt used or circulated, or intended to be used or circulated as money, and issued by any corporation or State, or by the United States, may be levied upon under any execution or writ of attachment as other personal property is levied upon or attached, and shall be returned by the officer [officer] making such levy as so much money collected without sale.

Rights and shares of stock may be levied upon or attached.

SEC. 3. That rights and shares of stock in any incorporated company, owned or held by any defendent [defendant] in execution, or by any person in trust for or to the use of any defendent [defendant] in execution, may be levied upon under any execution or writ of attachment, and may be sold under any execution, in the manner hereinafter provided.

Who shall furnish certificate.

SEC. 4. When any execution or writ of attachment shall be issued against any person being the owner of any shares or stock in any incorporated company or for whom or to whose use any shares or stock in any incorporated company are held by any person other than such defendent [defendant], it shall be the duty of the President, Cashier, Secretary or Chief Clerk of such incorporated company, upon the request of the officer having such execution or writ of attachment, to furnish him a certificate under his hand stating the number of rights or shares which the defendant holds, or which are held in trust for such defendent [defendant], or to his use, in the stock of such incorporated company.

Execution how levied.

SEC. 5. Any officer, upon obtaining information in the manner provided in the last section or otherwise, that a defendent [defendant] in any execution or writ of attachment held by him, owns or holds any rights or shares in the stock of any incorporated company, or that such rights or shares are owned or held by any other person in trust for, or to the use of such defendent [defendant], may make a levy of such execution or writ of attachment on such rights or shares, by leaving a true copy of such writ with the President, Secretary, Cashier or Chief Clerk of such incorporated company and if there be no such officer then with some other officer of such incorporated company, with a certificate of the officer making the levy setting forth that he

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levies upon and takes in execution or attachment, such rights or shares to satisfy such execution or attachment.

SEC. 6. Rights or shares in the stock of any incorporated company levied upon by virtue of any writ of attachment shall be held subject to the judgement [judgment] rendered in the action in which such writ is issued, and whenever any execution shall be levied upon any such rights or shares the same shall be sold in like manner as personal property is, by existing law, provided to be sold.

Rights or shares may be sold, how.

SEC. 7. It shall be the duty of every officer who shall sell any rights or shares of stock in any incorporated company, under an execution, to execute to the purchaser thereof a certificate in writing, reciting the sale and payment of the consideration, and conveying to the purchaser such rights and shares, and such officer shall also leave, with the President, Secretary, Cashier or Chief Clerk, or if there be none, with any other officer of such incorporated company, a true copy of such certificate, and thereupon it shall be the duty of the officer, clerk, or other person having charge of the books of such incorporated company to make such entries in the books of such company, as may be necessary to vest the legal and equitable litle [title] to such rights or shares of stock in the purchaser of the same.

Officer shall make certificate.

SEC. 8. Every purchaser of rights or shares of stock in any incorporated company, at any sale thereof made by any officer, upon receiving a certificate of the sale thereof as provided in the last section, shall be deemed and held to be the legal and equitable owner of such rights or shares of stock, and he shall be and become entitled to all dividends thereon, and to the same rights and privileges as a member of such incorporated company as the defendant in execution was theretofore entitled to, notwithstanding such rights and shares of stock may not have been transferred upon the books of such company.

Purchaser deemed the legal owner

SEC. 9. Every interest in land, legal and equitable, shall be subject to levy and sale under execution, and the claim or possessory right of any defendent [defendant] in execution, in or to any public lands, may be levied upon and sold under execution, in the same manner as if the same were held by such defendent [defendant] in fee simple; *Provided*, that nothing in this act contained shall be so construed as to give any

Interest in land subject to levy and sale.

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plaintiff in execution the right to levy on any land filed on by any person, in the land office of the Colorado land district and occupied as a homestead by the defendent [defendant] in execution. Homestead not subject to levy.

SEC. 10. This act shall take effect and be in force from and after the passage thereof.

Approved February 8th, 1865.

AN ACT

TO PROVIDE FOR SUMMONING JURORS IN CERTAIN COUNTIES AND FOR OTHER PURPOSES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That in all cases where two or more counties are attached for judicial purposes, it shall be the duty of the Judge of the District Court of the counties so attached, at least forty-five days prior to each and every term of court by law required to be held in either of such counties, to apportion the grand and petit jurors required by law to be summoned, to attend at such term among the several counties so attached, respectively, having reference to the population of the several counties so attached, respectively, and to transmit to the county clerks of the several counties, respectively, a statement under his hand of the number of grand and petit jurors which will be required to be summoned in each of the several counties according to such apportionment. Judge of district court shall apportion how.

SEC. 2. It shall be the duty of the county clerk, upon receiving the statement or apportionment mentioned in section one of this act, to notify the county commissioners of his county thereof, and the county commissioners shall, at least twenty-five days prior to the term of court mentioned in such statement or apportionment, proceed to select the number of grand and petit jurors required to be summoned from such county, in the way and manner provided for by law for selecting jurors, and the jurors so selected shall be summoned by the officers and in the way and manner provided by existing law, to attend at the term of court mentioned in such statement, at the time when and the place where such term is held, and when so summoned they shall attend at such term notwith- County clerk shall notify. County commissioners shall select jurors. Jurors, how summoned.

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standing the same may not be held in the county from whence they are summoned.

County shall pay

SEC. 3. Every county shall pay the per diem and mileage of jurors summoned therefrom, and if for any reason the full panel of jurors summoned, as provided in this act, shall not attend at the term of court in obedience to such summons, the court shall fill the panel by summoning talismen [talesmen], as in other cases.

Court shall summon talesmen, when.

Certain cases where tried.

SEC. 4. All suits, actions, and proceedings, and indictments pending in the district courts of the United States in the several judicial districts in this territory at the time of the passage of the "act to divide the territory of Colorado into judicial districts, and to provide for the holding of courts in the same," at the present session of the Legislative Assembly, are hereby declared to be pending in and shall be tried in and by the district court of the United States for the district as constituted by said act, in which the county or region of country is located, where the offence [offense] or cause was committed or arose, upon or for which the suit, action, proceeding or indictment was instituted or found, anything in said act to the contrary notwithstanding.

Approved February 10th, 1865.

AN ACT

TO REPEAL SO MUCH OF AN ACT ENTITLED "AN ACT TO ESTABLISH A TERRITORIAL LIBRARY AND CABINET, APPROVED NOV. 6TH, 1861," AND TO CREATE THE TERRITORIAL TREASURER, LIBRARIAN OF THIS TERRITORY.

Be it enacted by the Council and House of Representatives of Colorado Territory.

Repealing clause.

SEC. 1. That section one, fifteen and sixteen of an act entitled "an act to establish a Territorial Library and Cabinet, approved Nov. 6th, 1861, be and the same are hereby repealed.

Territorial treasurer, ex-officio librarian.

SEC. 2. The Treasurer of this territory shall be ex-officio Librarian of this territory, and is required to perform the duties of said office subject to the same rules as are required in the said act creating the office of Territorial Librarian.

Approved February 9th, 1865.

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AN ACT

TO REPEAL SECTIONS SEVENTEEN [17] AND EIGHTEEN [18] OF AN ACT ENTITLED "AN ACT CONCERNING LICENSES," APPROVED NOV. 6TH, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That sections seventeen and eighteen of an act entitled "an act concerning licenses," approved November sixth, in the year of Our Lord one thousand eight hundred and sixty-one," are hereby repealed.

Insurance agents not required to pay three per cent. on premiums.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1865.

AN ACT

TO ENCOURAGE THE FORMATION AND EQUIPMENT OF VOLUNTEER COMPANIES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the corporate authorities of any town or city, or board of county commissioners of any county in this Territory is hereby authorized to appropriate such sum as they may deem expedient for the purpose of aiding in the formation and equipment of volunteer companies mustered into the service of this territory, for the purpose of enforcing the laws, suppressing insurrection, repelling hostile invasion or the prevention of Indian depredations.

Corporate authorities may make appropriations.

SEC. 2. For the purpose of raising the means to pay any appropriation pursuant to the foregoing section, the corporate authorities of any town or city, or board of county commissioners of any county making such appropriation, may cause a tax to be levied and collected, not exceeding two per cent. on the dollar per annum, upon the taxable property of such town city or county, according to the total valuation or assessment of property in any such town, city or county. Any appropriation heretofore made by the

May levy a tax.

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Certain acts legalized.

authorities of any town, city or county, for the purpose mentioned in the first section of this act, are hereby legalized, and the payment thereof may be provided for by the levy and collection of a tax, not exceeding two per cent. on the dollar per annum, as other city or county taxes.

Denominated the military fund.

SEC. 3. All funds or money which shall be raised or appropriated under the provisions of this act, shall be kept separate and apart and be denominated the military fund.

Approved February 10th, 1865.

AN ACT

TO ORGANIZE THE MILITIA OF COLORADO TERRITORY.

ARTICLE I.

MILITARY DISTRICTS AND MILITARY ORGANIZATION.

Who liable to military duty.

SEC. 1. Every able bodied mal [male] citizen of Colorado and those who have declared their intention to become citizens of the United States, between the ages of eighteen and forty-five years, except those who are by the laws of the United States and by this act exempted therefrom, shall be subject and liable to perform military duty as a soldier, to uphold the Constitution and laws of the United States and the organic act and laws of this territory.

Territory divided into divisions.

SEC. 2. The territory shall be divided into two military divisions districts, as follows, viz: By a line running due east and west through the same which shall pass through the town of Bradford the portion of the territory lying north of said line constituting the first, and that south of it the second division.

Governor commander in-chief.

SEC. 3. The Governor shall be Commander-in-Chief of the militia, and shall have power, by and with the consent of the Legislative Council, to appoint one Major General for each division, and one or more

To appoint officers

Brigadier Generals for each division, as may be required; one Adjutant General, who shall be ex-officio Quartermaster General, and one Inspector General, who shall as act Paymaster General, and is empowered to fill vacancies in these offices when the Council is not in session.

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SEC. 4. The Governor, Adjutant General, Inspector General and the two Major Generals shall constitute a military board which shall convene immediately after the first enrollment under this act, and whenever thereafter the Commander-in-Chief may order or the public good require. Military board.

SEC. 5. It shall be the duty of the military board to consider all matters relating to the organization, efficiency, discipline, army equipments, ammunition, uniform and parades of the territorial militia, and after the first enrollment, and after each annual enrollment, to sub-organize the divisions into brigades, and when any new brigade is formed in either division, the Governor shall appoint and commissin a Brigadier General to command it, as hereinbefore provided. The Brigadier General may be present at the sittings of the military board when required, but shall not vote in its proceedings. Duty of. Gov. shall appoint Brig. Gen. when.

ARTICLE II.

ENROLLMENT.

SEC. 1. It shall be the duty of the Adjutant General of the territory, immediately after the passage of this act, and annually thereafter, to prepare blank rolls for enrolling companies of persons subject to military duty, and to transmit the same to the Major Generals now holding commissions from the Governor, who shall deliver the same to the Brigadier Generals, with all possible dispatch, to the end that any person liable to perform military duty be enrolled and prepared for service. Adj. Gen. to prepare blank rolls.

SEC. 2. It shall be the duty of the several Brigadier Generals, upon the receipt of the said blank rolls to distribute them to the assessors of the several counties, townships, wards or cities comprised in his brigade district, and said assessors shall, at the same time they are engaged in taking the valuation on [of] real and personal property in their respective counties, townships, wards or cities, include in their assessments the names of all persons in their county, township, wards or cities liable to be enrolled as aforesaid, and if the assessors neglect to perform their duty, or if it is found necessary at any time, it shall be the duty of the Brigadier General to appoint some suitable person or persons in his brigade district to act as enrolling Duty of Brig. Gen. County assessor to enroll militia. Brig. Gen. to appoint enrolling officer.

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officer therein, and to require and command him or them, by a warrant under his hand, to proceed forthwith to enroll all persons as aforesaid, and such enrolling officers and assessors shall report said enrollment to him as soon as completed.

Assessor to administer oath.

SEC. 3. The assessors and other enrolling officers shall have power to question, under oath, which they are hereby authorized to administer, any person deemed liable to do military duty but who denies the same, and if any person refuses to be sworn the assessor shall enroll his name in the same manner as if he admitted his liability.

Fees of

The assessors and enrolling officers shall receive for each name enrolled as above the sum of five cents, and for each oath so administered the sum of ten cents.

Penalty for neglect or refusal to act.

SEC. 4. If any assessor or enrolling officer shall refuse or neglect to perform any duty enjoined upon them by this act, the person or persons guilty of such refusal or neglect shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars, to be recovered by action of debt before any justice of the peace in the name of the people of the territory of Colorado, and all monies accruing from such prosecutions shall, after deducting the legal costs and charges, be paid into the treasury of the county

Fine to be paid where.

to the credit of a separate fund, to be known as the Military Fund, subject to the disposal of the military board aforesaid, to meet the expenses of the military organization.

Brig. Gen. to arrange into companies.

SEC. 5. Within twenty days after receiving the returns of the enrolling officers, as provided in the preceding [preceding] section, it shall be the duty of the Brigadier General to proceed to arrange the enrolled militia into companies, and when so arranged [arranged] he shall cause copies of said company rolls to be posted up in the county clerk's office, and in such other places as he may deem advisable to the end that every person enrolled may know to which company he is attached for service. He shall also cause a list of all the enrolled men of his brigade, to be forwarded to the Adjutant General with the names of all officers and their rank, to be recorded in a book kept by him in his office.

How many shall constitute company.

SEC. 6. Each company shall consist of not less than thirty nor more than sixty men, and such persons so enrolled shall constitute the un-uniformed militia of Colorado. Having effected the arrangement [arrange-

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into companies, the Brigadier General shall letter them and form them into regiments of not less than five nor more than ten companies each, and it shall be his duty to appoint the time for holding company and regimental elections, to preside at the regimental elections, and report the names of the company and regimental officers to the Governor to be commissioned.

Brig. Gen. to letter companies.

To preside at elections.

SEC. 7. When any company shall petition the Brigadier General, he shall order an election for company officers, and the clerks chosen by the company shall report the certified result to him, whereupon he shall forward the names of officers so elected to the Governor, and the portion of the militia so officered and reported as ready for parade, shall be designated and known as the uniformed militia of Colorado.

rder election, when.

ARTICLE III.

CALLING OUT.

SEC. 1. When the commander-in chief, with the advise [advice] of the military board, shall so direct, the Brigadier General shall order company elections of the non-uniformed militia in their several brigade districts, and proceed to notify each member of each and every company enrolled, either himself or through the sheriff of each county, which notice may be verbal, written or printed, said election shall be held according to military usage and the clerk chosen by the company shall certify to the result, and after the persons so elected shall have taken the oath of office he shall forward the result to the Governor for commission.

Brig. Gen. order election, when.

Sheriff notify, when.

SEC. 2. Whenever it shall be found necessary, in order to suppress insurection [insurrection], repel Indian invasion, or to open communication with the the eastern states, the Commander-in-Chief, with the advise [advice] of the military board, may call for volunteers by companies in number deemed advisable not exceeding two thousand at any one time, and for designated time, ane if the required number of men should not volunteer by companies, he may fill the quota by volunteers at large, to be officered and equiped [equipped] as provided for uniformed companies of Colorado militia. If the required number should not volunteer in either of these modes the commander-in-chief, with [the] consent of the military

May order out militia when.

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May order draft.

board, may order a parole of all enrolled companies for draft, which draft shall be public and the names drawn in the same manner as the law provides for drawing petit jurors, and the sergeant of the company or sheriff of the county shall have power to inforce [enforce] the appearence [appearance] of the persons so drawn or their substitutes at the appointed rendezvous.

In case of riot.

SEC. 3. In case of any invasion, insurrection, riot, or eminent [imminent] danger thereof or threatened attack of Indians within the limits of any Division, Brigade, Regimental [Regiment] or Battalion, it shall be the duty of the commandant of such Division, Brigade, Regiment or Battalion, to order out, for defense of the Territory, the militia or any part thereof always calling first upon the uniformed militia under his command and immediately report the circumstances attending the same to his commanding officer and to the Commander-in-Chief, and when arms have not been supplied by the Territory, the militia so called out may arm and equip themselves, the damage and loss to be paid by the territory. *Provided*, That the militia, nor any part thereof shall ever be taken without the limits of the Territory, and that no part of this section shall be so construed as to authorize the mounting of these companies or the fitting out of any expedition against any Indian tribe in the territory, or against any people.

Uniformed militia to be first called.

Not to be taken out of territory.

Who may call militia, when.

SEC. 4. In case of any break of the peace, riot, turmoil, resistance of process, or apprehension of [the] eminent [imminent] danger of the same it shall be lawfull [lawful] for the sheriff of any county or the mayor of any city, to call for aid from any Brigade, Regiment, Battalion or Company, and it shall be the duty of the Commander of such Brigade, Regiment, Battallion or Company to whom such order is given to order out, in aid of the civil authorities, the military force or any part thereof under his command. Such officer shall be subject to the sheriff or public officer so requiring his service, and for refusing or neglecting to obey the order of the sheriff or public officer, or hindering or preventing his men performing such duty, every military officer so offending shall be liable to a fine of not more than five hundred dollars and imprisonment in the county jail for a period of not more than three months, and in addition thereto such officer shall be liable to be tried by court martial and sen-

Duty of commander.

Fine for not obeying.

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tenced to be cashiered and incapacitated forever after for holding any military commission in this Territory. Any con-commissioned officer or private like offending shall be subject to a fine [of] not more than fifty dollars, to be recovered as in action of debt and paid into the military fund of the county, deducting legal costs and charges.

ARTICLE IV.

ELECTIONS, PARADES AND DRILLS.

Shall prepare blank warrants.

SEC. 1. It shall be the duty of the Adjutant General to prepare and distribute printed blanks for warrants to commanding officers to compel the attendance of officers and enrolled militiamen to any election, parade or drill, duly authorized by law, which warrants issued under said officers hand shall have due force of law, and shall be in the following form:

Form.

S.S. HEADQUARTERS, Div. — Brig. — Reg.

(Name of person) You are hereby directed (here insert order.)

Given under my hand this — day — year.

Signed (A. B., Rank, Div., Brig., Reg., Colorado Militia.

Warrant how served.

Said warrant may be presented to the person so summoned, or left at his house or usual place of business and any person summoned as above, who shall neglect or refuse to appear at any election, parade or drill, according to orders, shall forfeit the sum of ten dollars to be paid into the county treasury and credited to the militia fund.

Liability.

Commander-in-chief may order parade.

SEC. 2. The Commander-in-Chief, with the advice of the military board, may order parade of all the uniformed and non-uniformed militia at any [time] the public exigencies may require. The uniformed militia shall appear by companies for drill and inspection, one day in the year, viz.: the first Tuesday in June, every year, with such arms and equipments as the military board shall provide, or with their own arms and equipments. Any officer or private, belonging to any uniformed company, who shall neglect or refuse to appear at such parade, shall be returned to the county assessor as a military delinquent by his officers and the assessor shall thereupon add the sum of two dollars to the said persons assessments for that

Annual drill.

Fine for non-appearance.

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Fine how collected.

year, to [be] collected as other taxes, and applied to the military fund of the county. All members of uniformed military companies who shall be present at all elections and parades shall annually receive the sum two dollars, out of the military fund of the county, and every member of such companies having the certificate of his commander certifying to his proper performance of military duty, according to law and regulations, during the several elections, parades and drills, or other military assemblage, required by law, or ordered by superior officers, shall be exempt, for the year such certificate is given, from all poll taxes, involuntary jury duty, and from military duty, except in the corps to which he belongs. The term of service of the uniformed militia and the tenure of office shall be two years from the date of the election of company officers.

Militia exempt.

No parade on election.

SEC. 3. No parade or rendevous (rendezvous) of the militia shall be ordered on any day set apart by law for an election, unless on demand of civil officers, to suppress riot, tumult or invasion.

ARTICLE V.

OFFICERS AND STAFF.

Officers of staff.

Division.

Brigade.

Regiment.

Company.

SEC. 1. There shall be attached to each Division of Militia of this territory, one Major General and his Staff, consisting of one Aid, one Inspector, one Engineer, one Paymaster, one Commissary and one Quarter Master, each with the rank of Major, to be appointed by the Major General. To every Brigade there shall be one Brigadier General with his Staff, consisting of one Aid, one Inspector, one Paymaster, and one Quarter Master, each with the rank of Captain, to be appointed by the Brigadier General. To every Regiment shall be one Colonel, one Lieutenant Colonel and one Major, to be chosen by the members of the regiment; and the Colonel's Staff shall consist of one Adjutant, one Quartermaster, one Assistant Quartermaster, one Sergeant (Surgeon), one Assistant Surgeon, one Sergeant Major and two Musicians, to be appointed by the Colonel. There shall be to every Company, one Captain, one First and one Second Lieutenant, one Orderly Sergeant, four Sergeants and four Corporals and the Captain shall appoint two Musicians.

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SEC. 3. The Staff of the Commander-in-Chief shall consist of the Adjutant General, the Inspector General, one Judge Advocate General and two or more Aids, as exigencies may require, who shall rank as Colonels. Staff of commander-in-chief.

ARTICLE VI.

MILITARY FUND—COMPENSATION.

SEC. 1. For the purpose of carrying into effect the provisions of this act, and for creating a Territorial Military Fund, an annual poll tax of fifty cents shall be and is hereby levied upon each mule (male) inhabitant of the Territory of the age of twenty-one years and upward, to be known as the military poll tax, which shall be assessed and collected in the same manner and at the same time as is now or may be prescribed by law for the assessment and collection of territorial poll taxes. Poll tax.

SEC. 2. It shall be the duty of every county treasurer in this Territory to provide suitable books in which shall be entered an account of all fines and penalties and all taxes collected in pursuance of this act. He shall also enter in said book an account of all money paid out of said fund and for what purpose. Duty of county treasurer.

SEC. 3. The fund so created shall be applied exclusively for military purposes, for the benefit of the militia and for fitting out and paying the expenses of territorial defense, and no money shall be paid by the county treasurer from such fund, but upon the joint order of the senior officer of each regiment in said county, or if there is no regimental organization in such county, then upon the joint order of the senior officer of each company, countersigned by the Brigadier General commanding the brigade district, and if there be none of the above named, then by the chairman of the board of commissioners of said county, or upon order of the military board. Military fund, how paid out.

SEC. 4. It shall be the duty of the county treasurer in the several counties, to preserve the county military fund, as provided by this act, a separate fund and after paying the company and regimental expenses of the county, as hereinbefore provided, to transmit the balance, annually, to the treasurer of the territory, along with the territorial taxes, and the territorial treasurer shall keep the same as a territorial County treasurer duty of.

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military fund, to be at the disposal of the military board or officers, as provided in section three of this article.

Fees of county treasurer.

SEC. 5. The treasurer of any county to whom any fine shall be paid may retain therefrom five per cent, as his fees, for the receipt and custody thereof, and from all taxes two per cent.

Salary of Adjt. Gen.

SEC. 6. The Adjutant General shall be entitled to receive annually, as compensation for his services, the sum of three hundred dollars, to be paid out of the territorial treasury, until a sufficient sum has accrued to the military fund, when the military board may direct his salary to be paid out of such funds.

Pay of militia.

SEC. 7. Each officer and private of every company called into active service, to repel invasion or suppress Indian depredations, shall receive one dollar and a half per day out of the military fund, and when serving under the sheriff of a county, or mayor of any city, two dollars per day or night, to be paid out of the county or city treasury, as the case may be.

ARTICLE VII.

MISCELLANEOUS.

Wounded taken care of.

SEC. 1. Every person who whilst in the actual service of the territory, shall be wounded or disabled in opposing or suppressing any riot or invasion, or in any Indian Expedition, shall be taken care of and provided for at the expense of the territory, and the commanding officer of any portion of the militia in the field may provide suitable hospital and medical provisions when the military board has not provided the same.

Duty of military board.

SEC. 2. The military board shall audit all claims for military service and expenditures under the provisions of this act, except the per diem of officers and privates of the uniformed militia as provided in article sixth, and may direct their payment out of the territorial military fund, and may call upon the county treasurer to pay over the county fund to the treasurer of the territory, whenever the exigencies may demand.

No charge for commissions.

No charge shall be allowed or pay received for any commissions issued under the provisions of this act.

Who are exempt.

SEC. 3. The following persons are exempt from enrollment under this act, to-wit: The Executive and Judicial Officers of this Territory, Lunatics, Idiots, Sheriffs, Constables, Clerks of Courts, Justices of the Peace, and all United States officers.

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SEC. 4. That if any person shall molest any officer or private when on duty, the commanding officer may require such person to be put under guard during the time of such parade; and the act of Congress commonly called articles of war, embraced in an act for establishing rules and articles for the government of the armies of the United States, is mad (made) a part of this act, so far as its provisions can be made applicable to the service of this territory, and not inconsistent with this act. The uniform of all companies of the uniformed militia shall be such as the companies themselves may select, and such companies are authorized to establish such by-laws, for the government of such companies, as they deem advisable, not inconsistant with this act, or the laws of Congress.

Penalty for molesting militia.

Company may select uniform.

SEC. 5. An act entitled "an act to organize the Militia of Colorado Territory, approved August 14th, 1862," is hereby repealed. Nothing in this (act) contained shall be construed so as to impairor in any way affect any military organization effected or made under existing laws further than that after a commander-in chief shall have assumed command, under the provisions of this act, such organization shall be governed by this act.

Repealing clause.

Approved February 10th, 1865.

AN ACT

RELATING TO NEGOTIABLE INSTRUMENTS, PROMISORY (PROMISSORY) NOTES AND CONTRACTS.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. When any foreign Bill of Exchange, which may be drawn for any sum of money expressing that the value has been received, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill, with legal interest thereon from the time such bill ought to have been paid until paid, and ten per cent damages in addition, together with the costs and charges of protest.

Bills of exchange.

If protested

SEC. 2. If any bill of exchange, drawn upon any

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Bills of exchange, foreign.

If protested

person, or body politic, or corporate, out of this territory but within the United States or her territories, for the payment of money, and expressed to be for value received, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill, with legal interest thereon from the time such bill ought to have been paid, and ten per cent damages in addition, together with all costs and charges of protest.

Promissory notes.

SEC. 3. All promisory (promissory) notes, bonds, due bills and other instruments in writing made by any person, whereby such person promises or agrees to pay any sum of money or article of personal property, or any sum of money in personal property, or acknowledge any sum of money or article of personal property to be due to any other person or persons, shall be taken to be due and payable to the person or persons to whom the said note, bond, bill or other instrument in writing is made.

Notes, bills, etc., assignable.

SEC. 4. Any such note, bill, bond, or other instrument in writing made payable to any person or persons shall be assignable by endorsement thereon, under the hand of such person and of his assignee, in the same manner as bills of exchange are, so as obsolutely to transfer and vest the property thereof in each and every assignee successively.

Assignee may maintain action.

SEC. 5. Any assignee to whom such sum of money or personal property is, by such indorsement, made payable, or in case of the death of such assignee, his executors or administrators may, in his own name, institute and maintain the same kind of action for the recovery thereof, against the person who made and executed any such note, bond, bill or other instrument of writing, or against his heirs, executors or administrators, as might have been maintained against him by the obligee or payee in case the same had not been assigned, and in every such action, in which judgment shall be given for the plaintiff or plaintiffs, he shall recover his damages and costs of suit as in other cases.

Payment after notice of assignment no defence.

SEC. 6. No maker of any such note, bond, bill, or other instrument in writing, or other person liable thereon, shall be allowed to allege payment to the payee, made after notice of such assignment, as a defense against such assignee or assignees.

SEC. 7. Every Assignor or his heirs, executors or

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administrators of every such note, bond, bill, or other instrument in writing, shall be liable to the action of assignee thereof, or his executors or administrators if such assignee shall have used due dilligence by the institution and prosecution of a suit against the maker of such assigned note, bond, bill, or other instrument of writing, or against his heirs, executors or administrators, for the recovery of the money or property due thereon, or damages in lieu thereof; *Provided*, that if the institution of such suit would have been unavailing, or that the maker had absconded, or left the Territory when such assigned note, bond, bill, or other instrument in writing became due, such assignee or his executors or administrators may recover against the assignor, or against his executors, or administrators as if due diligence by suit had been used.

Holders of notes, bills, etc.,

SEC. 8. If any such note, bond, bill, or other instrument in writing, shall be endorsed after the day on which the money, or property therein mentioned, becomes due and payable and the endorser shall institute an action thereon against the maker of the same, the defendant being maker shall be allowed to set up the same defense that he might have done had the said action been instituted in the name and for the use of the person to whom the said note, bond, bill, or other instrument of writing was originally made due and payable.

Notes, bills, etc., assigned.

SEC. 9. If any such note, bond, bill, or other instrument of writing shall be endorsed before the day the money or property therein mentioned becomes due and payable, and the endorser shall institute an action thereon, the defendant may give in evidence at the trial any money or property actually paid on said note bond, bill, or other instrument in writing, was indorsed or assigned to the plaintiff on proving that the plaintiff had sufficient notice of the said payment, before he accepted or received such endorsement.

Payment to payee, etc.

SEC. 10. In any action commenced, or which may hereafter be commenced in any court of law, of this Territory, upon any note, bond, bill, or other instrument in writing, for the payment of money or property, or the performance of covenants or conditions by the obligee or payee thereof if such note, bond, bill, or instrument in writing was made or entered into without a good or valuable consideration, or if the consideration upon which such note, bond, bill, or instrument was made or entered into has wholly or in part

Want or failure of consideration.

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Partial failure.

failed, it shall be lawful for the defendant against whom such action shall have been commenced by such obligee or payee to plead such want of consideration or that the consideration has wholly or in part failed, and if it shall appear that any such note, bond, bill, or instrument of writing was made or entered into without a good or valuable consideration, or that the consideration has wholly failed, the verdict shall be for the defendent [defendant], and if it shall appear that the consideration has failed in part, the plaintiff shall recover according to the equity of the case; *Provided*, that nothing in this section contained shall be construed to effect or impair the right of any *bona fide* assignee of any instrument made assignable by this act, when such assignment was made before such instrument became due.

Proviso.

Fraud may be pleaded, when.

SEC. 11. If any fraud or circumvention be used in obtaining the making or executing of any of the instruments aforesaid, such fraud or circumvention may be pleaded, in bar to any action to be brought on any such instrument so obtained, whether such action be brought by the party committing such fraud or circumvention, or any assignee of such instrument, unless such instrument was negotiated before due.

Personal property.

SEC. 12. In all cases where any of the before mentioned instruments of writing are for the payment or delivery of personal property other than money, and no particular place be specified in such instrument of writing for the payment or delivery thereof, it shall be lawfull [lawful] for the maker of any such instrument of writing to tender or cause to be tendered, on the day mentioned in any such instrument, the personal property therein mentioned, at the place where the obligee or payee of any such instrument resided at the time of the execution thereof. *Provided, however*, If such personal property be too ponderous to be easily moved, or if the obligee or payee of such instrument have not, at the time of the execution of such instrument of writing, a known place of residence in the county where the maker resides, then it shall be lawfull to tender such personal property at the place where the maker of such instrument resided at the time of the execution thereaf. Any tender made in pursuance of this section, shall be equally valid and legal in case any such instrument of writing shall have been assigned in pursuance of the first section of this act, as if no such assignment had been made.

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SEC. 13. A legal tender of any such personal property shall discharge the maker of any such instrument, for [from] all liability thereon, and the property thus tendered is hereby declared to be vested in and belong to the legal holder and owner of any such instrument of writing, and he may maintain an action for the recovery thereof or for damages, if the possession be subsequently illegally with-held [withheld] from him. *Provided, however,* If any such property so tendered shall be of a perishable nature, or shall require feeding or other sustenation, and the person owning and holding such instrument of writing be absent at the time of tendering the same, it shall be lawfull [lawful] for every person making such tender, to preserve, feed and otherwise take care of the same, and he shall have a lien on such tendered property for his reasonable trouble and the expenses of feeding or sustaining such property, until payment be made for such trouble and expense.

Tender of discharges maker.

Disposition of property

SEC. 14. That sections one, four, five, six and seven of an act entitled "an act concerning bills of exchange and promissory notes, approved October 31st, A. D., 1861," be and the same are hereby repealed.

Repealing clause.

SEC. 15. This act shall take effect and be in full force on and after the 1st day of May, 1865.

To take effect, when.

Approved February 8th, 1865.

AN ACT

CONCERNING THE PRACTICE IN THE SUPREME COURT.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. The party aggreived [aggrieved] by manifest and material error appearing of record, in any prosecution by indictment, may be relieved by writ of error, upon complying with the following terms: the party complaining that error has been committed shall on demand therefor, be furnished by the clerk, with a certified copy of the record, which record, together with an assignment of the errors relied on for the reversal of the judgement [judgment,] shall be presented to the Supreme Court, or to one of the Justices thereof, and, if after inspecting such transcript, the

Parties aggrieved.

Clerk to furnish certified copy of record.

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Court or Justice aforesaid, shall be of opinion that there is reasonable cause for allowing a writ of error the same shall be granted by order endorsed on the back of said transcript. Upon the allowance of such writ of error as aforesaid, the Clerk of the Supreme Court shall issue a *supersedeas* to stay the execution of the sentence of the District Court; but the prisoner shall not thereby be discharged from jail; *Provided*, that the prisoner may enter into recognizance, as provided by law in bailable cases. When any judgement [judgment], the execution of which has been stayed by writ of error, as aforesaid, shall be affirmed, the Supreme Court shall, by proper order, cause the original sentence of the District Court to be carried out, and in capital causes fix the time of the execution of the prisoner, a copy of which order shall be sufficient authority to the Sheriff or other officer, for carrying out of the original sentence and judgement [judgment] of the District Court; and in capital cases the execution of any prisoner therein mentioned at the time specified.

When writ of error is allowed.

Proviso.

When writ of error is not allowed

Capital cases.

SEC. 2. No punishment shall be inflicted in any case brought before the Supreme Court under the provisions of this act, unless a majority of the Justices of said Court concur in respect to such punishment.

No punishment inflicted, etc.

SEC. 3. In all cases in the District Court where either party shall except to any ruling, decision or opinion of the court and shall reduce such exception or exceptions to writing, it shall be the duty of the Judge to allow the same, and to sign and seal the same at any time during the term of the Court at which such exceptions were taken, or at any time thereafter to be fixed by the Court; and at any time when any Judge shall neglect or refuse to allow and sign and seal such bill of exceptions, then it shall be lawful for the suiter [suitor] or his attorney to make and attach to such bill of exceptions, the affidavit of two or more attorneys of the Court, or other persons, who were present at the time of the trial, and when such exceptions were taken, stating that such bill of exceptions is correct and true; and when such bill of exceptions is so allowed and signed and sealed by the Judge, or so attested and proved by affidavit, it shall thereupon be filed by the Clerk, and shall become a part of the record of such cause.

Judge shall allow exceptions, when.

If Judge refuses or neglects to sign exceptions.

Clerk shall file.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

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SEC. 5. This act shall take effect and be in force from and after the passage thereof.

Approved February 8th, 1865.

AN ACT

PROVIDING FOR THE SUPPORT OF PAUPERS.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. Every poor person who shall be unable to earn a livelihood in consequence of any bodily infirmity idiocy, lunacy or other unavoidable cause, shall be supported by the father, grandfather, mother, grandmother, child, grandchild, brother or sister of such poor person, if they, or either of them, be of sufficient ability. And every person who shall fail or refuse to support his or her father, grandfather, mother, grandmother, child or grandchild, sister or brother when directed by the County Commissioners of the county where such poor person shall be found, whether such relative reside in the same county or not shall forfeit and pay to the said County Commissioners, for the use of the poor of their county, the sum of twenty dollars for each and every month for which they or either of them shall fail or refuse, to be recovered in the name of the County Commissioners, for the use of the poor aforesaid, in any action of assumpsit, before any Justice of the Peace or other court having jusrdiction; *Provided*, that when any persons become panpers from intemperance or other bad conduct, they shall not be entitled to support from any relation accept [except] parent or child.

Pauper, who shall support.

Penalty for refusing or failing.

Paupers from intemperance.

SEC. 2. The children shall be first called on to support their parents, if they be children of sufficient ability, and if there be none of sufficient ability, the parents of such poor person shall be next called on, and if there be no parents or children, the brothers and sisters of such poor person shall next be called on, and if there be no brothers or sisters, the grandchildren of such poor person shall next be called upon and then the grand-parents; *Provided*, Married females, whilst their husbands live, shall not be liable to a suit.

Who called upon first.

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SEC. 3. When any such poor person shall not have any such relation in any county in this Territory as are named in the preceeding sections, or such relation is not of sufficent ability, or shall fail or refuse to maintain such pauper, then the said pauper shall receive such relief, as his or her care may require, out of the County Treasury in the manner hereinafter provided.

County to support, when.

SEC. 4. When any non- resident or any other person, not coming within the definition of a pauper, shall fall sick or die in any county of this Territory not having money or property to pay his or her board nursing and medical attendance, it shall be the duty of the County Commissioners, upon complaint being made to them or either of them, to give an order to be given such assistance to such poor person as they may deem just and necessary, and if said sick person shall die, then the said County Commissioners or Commissioner shall give an order to be given to such person a decent burial, and the County Commissioners may make such allowance for board, nursing and medical aid, or burial expenses to the person or persons entitled thereto, as they shall deem just and equitable, aed order the same to be paid out of the county treasury.

County commissioners to give assistance.

Shall give decent burial.

SEC. 5. Any person becoming chargable as a pauper in this territory, shall be chargable as such pauper in the county in which he or she resided at the commencement of the sixty days immediately preceeding such person becoming so chargable.

Where chargable as a pauper.

SEC. 6. If any person shall become chargable in any county in which he or she did not reside at the commencement of the sixty days immediately preceeding his or her becoming so chargable, he or she shall be duly taken care of by the County Commissioners where he or she may be found, and it shall be the duty of the clerk of the County Commissioners to send notice by mail to the clerk of the County Commissioners of the county in which such pauper resided as before stated, that said person has become chargable as a pauper and requesting the authorities of said last named county to remove said pauper forthwith, and to pay the expense accrued in taking care of him, her or them.

Who shall take care of.

SEC. 7. If said pauper, by reason of sickness or disease, or by neglect of the County Commissioners to which said county he or she belongs, or for any

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other sufficient cause cannot be removed. then the county taking charge of such individual or individuals may sue for and recover from the county to which said individual or individuals belong, in any proper action, before any court having competent jurisdiction, the amount expended for and on behalf of such pauper or paupers and in taking care of the same.

County may recover amount expended.

SEC. 8. The term "residence" mentioned in this act shall be taken and considered to mean the actual residence of the party or the place where he or she was employed, or in case he or she was in no employment then it shall be considered and held to be the place where he made it his or her home.

The term "residence" defined.

SEC. 9. If any person shall bring and leave any pauper or paupers in any county in this territory wherein such pauper is not lawfully settled, knowing him or them to be paupers, he shall forfeit and pay the sum of two hundred dollars for every such offence to be sued for and recovered, by and to the use of such county, by action of debt, before any court having competent jurisdiction, and the suit may be brought in the county where the pauper was so brought and left and the process may be directed to and served by any proper officer in any county in this territory.

Penalty for bringing a pauper into a county.

SEC. 10. The County Commissioners in each county in this territory are hereby authorized, whenever they may deem it proper so to do, to establish a poor house, and for that purpose to purchase or lease a building upon such terms as they may deem best.

Poor house.

SEC. 11. The County Commissioners are hereby authorized, to acquire, in the name of the county, by grant, device or purchase, any tract of land, not exceeding six hundred and forty acres, for the purposes of said poor house.

May acquire land

SEC. 12. Said County Commissioners are hereby authorized and empowered to receive donations to aid in the establishment of such poor house, and are also empowered from time to time, if they shall see fit, to levy and collect a tax, not exceeding five mills on the dollar, on the taxable property of the county, and to appropriate the same to the purchase of land not exceeding the aforesaid six hundred and forty acres, and to erect and furnish buildings suitable for a poor house, and to put into operation and to defray the annual expenses of said poor house, should the labor of the inmates be inadequate thereto.

May levy a tax, etc.

SEC. 13. Said County Commissioners are hereby

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May employ workmen, etc.

authorized and empowered to employ such workmen, agents, and other persons as may be necessary to establish and put into operation such poor house, and to provide and appoint a physician to attend upon those who may fall sick.

Title of land to be made to county.

SEC. 14. The title to all property, authorized to be acquired by this act for the purpose of said poor house shall be made to the county.

SEC. 15. This act shall take effect and be in force from and after its approval by the Governor.

Approved February 10th, 1865.

AN ACT

IN RELATION TO POWDER HOUSES AND MAGAZINES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Powder houses, how erected.

SEC. 1. That whenever any person or company desires to erect and build a powder house or magazine for the purpose of storing therein gun powder, blasting powder, fuse, and the like explosive and combustible materials, such person or company shall have the exclusive right and control, except as against the United States, of and to one acre of any land for that purpose, not occupied by any prior incumbencer [incumbrancer] claiming a right thereto, and such person or company may build any such powder house or magazine thereon and no other person or company shall have the right to occupy any portion of the said one acre of land for any purpose whatever, except by consent of the person or company erecting and building such powder house or Magazine.

Persons erecting

County surveyor shall survey.

SEC. 2. Any person or company claiming a tract of land not exceeding one acre, for the purpose expressed in the foregoing section, shall employ the county surveyor of the county wherein such tract of land is situated, to make a survey of the same and a plat thereof, which said plat when filed for record in the office of the county recorder of the proper county shall be taken as evidence of the right of the person or company thereto, for whose benefit the said survey is made.

Plat to be filed.

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SEC. 3. That powder houses now within the corporate limits of any city or town shall be subject to such ordinances as are now passed or may be passed regulating the same. Subject to ordinances, when.

SEC. 4. All tracts of land claimed under the provisions of this act shall be in the form of a square, and any powder house erected thereon shall not be located more than sixty feet from the centre thereof. Form of tract.

SEC. 5. The provisions of this act shall apply only to public bonds [lands] belonging to the United States and claims made for the purpose of establishing powder houses and magazines as aforesaid, shall exist only for the purposes aforesaid, and shall be used only for such purposes and all right and interest of the claimants therein shall cease and determine whenever the building or buildings thereon shall not be used for storing explosive material. To apply to public land. Right to land.

SEC. 6. No corporation, company, firm, association or individual shall hold more than one tract of land, under the provisions of this act, in any one mining district, nor shall any person or persons holding any tract of land to be used by any corporation, company, association, firm or individual shall hold another tract of land in their own right, under the provisions of this act.

Approved February 10th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CONCERNING PROBATE COURTS AND JUSTICES OF [THE] PEACE IN CERTAIN COUNTIES, APPROVED MARCH 11TH, 1864."

Be it enacted by the Council and House of Representatives of Coloradо Territory:

SEC. 1. That there shall be six terms of the Probate Court in each of the several counties of this territory, in each year, commencing on the first Mondays in the months of February, April, June, August, October and December in each year. Terms of probate court.

SEC. 2. That hereafter the several Courts of Probate in the several counties in this Territory shall not have or exersize [exercise] jurisdiction as courts of chancery or as courts of equity, except in matters re-

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lating to the estates of deceased persons, and except in cases where a bill for discovery may be filed for the purpose of obtaining evidence to be used upon the trial of an action pending in any probate court.

Shall not have jurisdiction.

SEC. 3. The several probate courts in the several counties of this territory, except the county of Gilpin shall have jurisdiction in all actions, suits and proceedings at law brought for the recovery of money, not exceeding in amount the sum of two thousand dollars, and in all actions, suits and proceedings at law, brought or instituted for the recovery of or concerning property, real or personal, not exceeding in value the sum of two thousand dollars, and they shall not have jurisdiction in any other actions, suits or proceedings whatsoever.

Suits for money.

SEC. 4. Either party, or one or more of several plaintiffs or defendants, may appeal from the final judgment or decision of the probate court to the district court of the county in which such probate court may be located, or if such county shall be attached to another for judicial purposes, then to the district court of the county to which such county shall be so attached, upon giving bond within such time—not less than five days after such judgement [judgment] or decision shall be rendered—as may be fixed by the probate court, with security to be approved by the probate court, and conditioned as hereinafter provided.

Appeal allowed.

SEC. 5. If the judgement [judgment] or decision of the probate court shall be for the payment of money, the appeal-bond shall be in double the amount of such judgment and costs, and conditioned for the payment of whatever judgement may be rendered against the appellant in such action by the District court, and all costs which have accrued or may accrue in such action. If the judgment or decision of the probate court shall not be for the payment of money, the appeal-bond shall be in such sum as the probate court shall deem sufficient and may require; and conditioned that the appellant will abide, fulfill and perform whatever judgment may be rendered against him in that action by the District court, and for the payment of all damages which the opposite party may sustain by reason of such appeal, and the delay incident thereto, and for the payment of costs.

Appeal bond.

SEC. 6. The plaintiff in the probate court shall be plaintiff in the district court and the trial of causes appealed from probate courts in district courts shall be

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in *denovo*, and shall be conducted in the same manner as if such cases had originally been brought in such district courts. *Provided*, That no exception shall be taken, or allowed, to the form of the process issued from the probate court, or the manner of serving the same, if the party or parties taking such exception entered his, her or their appearance in the probate court.

Cause in District court.

No exception, when.

SEC. 7. Appeals from the judgments and decisions of the probate courts to district courts shall be prayed for within three days after the entry of the judgment or decision from which the appeal is taken, and it shall not be necessary in any action, suit or proceeding appealed to the district court to summon the appellee or appellees to appear in such district court, but such appellee or appellees shall be taken and held to have notice of such appeal in the same manner as he or they had notice of the pendency of the suit in the probate court, *Provided*, That no cause appealed as aforesaid shall be tried at any term of the district court unless the papers in such cause shall have been filed in such court at least ten days prior to such term, except the parties shall consent to proceed to trial.

Appeal within three days.

Papers filed ten days prior to term.

SEC. 8. Appeals and writs of error shall be allowed and may be taken from the final judgment and decision of the district courts rendered in actions appealed from probate courts to the supreme court as in other cases.

Appealed to supreme court.

SEC. 9. The Judges of the probate courts in the several counties in this territory, in their respective counties, shall have power to grant writs of injunction in all cases, in like manner and with the same effect as now provided by law respecting the granting of writs of injunction by the Judges of district courts, but they shall not have power to disolve [dissolve] such injunctions except in cases where the cause may be pending in the probate court, as provided in section two of this act.

Probate courts' power.

SEC. 10. It shall be lawful for the Probate Judges in the several counties to perform the duties imposed by the act to which this act is amendatory upon county clerks, whenever they shall elect so to do, and they shall receive the same fees for performing such duties as are provided to be paid county clerks for the same.

Judge may act as clerk.

SEC. 11. Whenever the Probate Judge shall perform the duties of Clerk of his Court, all process issued from such court shall be issued by and in the name of the Judge thereof.

Process issued.

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Arapahoe county.

SEC. 12. The provisions of this act, and of the act to which this act is amendatory, as the same are modified by this act, so far as the same relate to probate courts, shall be and the same are hereby extended to and declared to be operative within the county of Arapahoe.

Repealing clause.

SEC. 13. That section fourteen, and all other parts and portions of the act to which this act is amendatory, which are in conflict with the provisions of this act, and section five of an act entitled "an act supplementary to an act entitled an act to divide the Territory of Colorado into Judicial Districts, and to provide for the time of holding courts in the same, appproved March 5th, 1864; and all acts and parts of acts, in conflict with this act, be and the same are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after the passage thereof.

Approved February 8th, 1865.

AN ACT.

AMENDATORY OF AN ACT REGULATING THE MODE OF PROCEEDING IN REPLEVIN, APPROVED MARCH THE 3D., 1864."

Be it enacted by the Council and House of Representatives of Colorado Territory:

Justices of the Peace, replevin, etc

SEC. 1. That in those counties in which the jurisdiction of Justices of the Peace has been or shall hereafter be extended so as to authorize actions to be brought before such Justices, where the amount in controversy does not exceed three hundred dollars, Justices of the Peace shall have jurisdiction in all actions of replevin where the value of the property in controversy does not exceed the sum of three hundred dollars.

Probate courts, replevin, etc.

SEC. 2. That in those counties in which the jurisdiction of Probate Courts have been or shall hereafter be extended so as to authorize actions to be brought in such Probate Courts where the amount in controversy does not exceed two thousand dollars, Probate Courts shall have jurisdiction in actions of Replevin, where the value of the property in controversy does not exceed two thousand dollars.

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SEC. 3. All acts and parts of acts conflicting with this act are hereby repealed.

Approved, February 8, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH THE COMMON SCHOOL SYSTEM."

Be it enacted by the Council and House of Representatives of Colorado Territory:

Territorial treasurer ex-officio superintendent of public instruction.

SEC. 1. That the Territorial Treasurer is hereby made and declared to be ex-officio Territorial Superintendent of Public Instruction, and is by this act authorized and required to perform all the duties that by law rightfully pertain to said office.

Salary.

SEC. 2. That said Territorial Treasurer as Superintendent of Public Institution [Instruction] shall be paid annually, out of the Territorial Treasury, the sum of one hundred dollars for the performance of the duties of said office.

School house fund.

SEC. 3. That in all cases when there are moneys belonging to the School House Fund, remaining in the hands of the District Treasury [Treasurer] of any School District, and the Board of Directors thereof are satisfied that such moneys are not required to build a School House or School Houses in said district, or repair or furnish the same, such moneys may be tansfered [transferred] and accredited to the Teachers Fund, and applied to the pay [payment] of teachers.

Per diem of county superintendents.

SEC. 4. That the several County Superintendents of Common Schools in this Territory shall be allowed five dollars per day, out of the County Treasury of his respective County, for the time actually spent in the performance of his duties, in addition to other expenses incured [incurred] in purchasing books, stationery, &c., necessary to said office, an account of which shall be made out by him quarterly and signed and sworn to, and laid before the County Commissioners at their regular meetings who, after examining the same, if found correct, shall issue, on the County Treasury, warrants for the amount due.

Account to county commissioners.

SEC. 5. That the words, "first day of May" where

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the same occur in section seventeen be stricken out and the words "first Monday in April" inserted instead thereof. Also the words "tenth day of February" be stricken out in the sixty-sixth (66) section and the words "first Monday of January inserted. Also the words "*Provided, however*, That said tax shall not exceed one and one-half per cent. on the taxable property aforesaid in any one year" be stricken out, where the same occur in section twenty-nine. Also that all of section one, section twenty-one and section seventy-five be and the same are hereby reppealed [repealed].

Collector pay over tax, when.

Repealing clause.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

AN ACT

TO RESTRAIN SHEEP, HOGS AND STALLIONS FROM RUNNING AT LARGE.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That any person or persons owning or having in charge any stallion or stallions more than one year old, and shall permit the same to run at large, he or they shall be fined in a sum not less than twenty dollars nor more than one hundred dollars for each and every such offense, and any person or persons owning or having in charge sheep, hog or hogs, and shall permit the same to run at large without a herder or pasturer, he or they shall be fined in a sum not less than five nor more than ten dollars for each and every offence, and be responsible for any and all damage which they may commit, to be collected in the same manner as in other cases made and provided, together with all costs of proceedings; and the animal or animals so found running at large, contrary to this act, may be taken and held as security for the payment of such fines, costs and damages; and all fines accruing under this act shall be applied to the school fund of the county in which the offense is committed.

Stallions.

Penalty.

Sheep or hogs.

Penalty.

Fines.

SEC. 2. If any such stock as described in the preceding section is permitted to run at large, any person may complain, on oath, before any magistrate of any

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county wherein such stock is running at large, when the magistrate shall immediately proceed to issue a summons requiring the offender to immediately appear before him, and if after hearing he shall be satisfied that such stock is running at large he shall inflict the fine on the offender and assess the damage as prescribed in the preceeding [preceding] section.

Complaint.

Duty of Magistrate.

SEC. 3. That whenever any stock as above described is found running at large, and the owner or persons having the same in charge is not known, the persons taking up such stock shall proceed in the same manner as is provided in cases of lost goods and estray stock. *Provided*, That should the owner or owners, or persons having such stock in charge be, at any subsequent time known he shall be held liable for all damages done by such stock, by suit before any magistrate, as in section second of this act.

When owner is not known.

SEC. 4. This act to be in force from and after the first day of April next.

Approved February 8th, 1865.

AN ACT

AUTHORIZING THE LEVY OF A SPECIAL TAX IN ARAPAHOE JEFFERSON, CLEAR CREEK AND GILPIN COUNTIES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the County Commissioners of Arapahoe, Jefferson, Clear Creek and Gilpin Counties are hereby authorized to levy and collect forthwith, in money, a special tax of not more than one per cent. upon the valuation of property in said counties for the year A. D., 1864, to be expended by said Commissioners in bounties to the Militia of said counties, and for protection and defense against hostile Indians.

Commissioners of certain counties may levy & collect a special tax.

SEC. 2. Said tax shall be levied and collected in the manner provided by existing law for levying and collecting county taxes.

How levied & collected.

Approved February 8th, 1865.

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PART II.

PRIVATE ACTS.

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PRIVATE ACTS.

AN ACT

TO PROVIDE FOR THE PAYMENT OF OF THE CLERKS AND OTHER OFFICERS OF THE LEGISLATIVE ASSEMBLY.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That there shall be allowed the Clerks of the House of Representatives compensation for services rendered at this session as follows, to-wit: To the engrossing and enrolling clerks, the sum of ten dollars per day, or fifteen cents per folio, as they may elect, respectively. The chief clerk shall be allowed the sum of six dollars per day, and the assistant clerk the sum of five dollars per day. The sergeant-at-arms, the sum of four dollars per day. The messenger and fireman, each four dollars per day. The chaplain, the sum of four dollars per day.

SEC. 2. The enrolling and engrossing clerks of the Council shall receive the sum of ten dollars per day, or fifteen cents per folio, as they may elect. The chief secretary of the Council shall be allowed the sum of six dollars per day. The assistant secretary, the sum of five dollars per day. And the sergeant-at-arms, the sum of four dollars per day. The page of the Council, the sum of three dollars per day. And the fireman, four dollars per day.

SEC. 3. The certificate of the president of the Council, countersigned by the chief clerk of the Council, or of the speaker of the House, countersigned by the chief clerk of the House, shall be sufficient authority for the auditor of the territory to draw warrants, for the several amounts so certified to, upon the territorial treasurer, which shall be paid out of any funds in the territorial treasury, not otherwise appropriated; and the several officers, respectively, shall be paid for the time they, respectively, were actually engaged in the service of the Council or House of Representatives, as the case may be, and the certificate aforesaid shall specify the number of days, which the person receiving the same, is entitled to pay.

Approved February 10th, 1865.

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A BILL

FOR AN ACT TO REPEAL "AN ACT TO INCORPORATE THE COLORADO AND PACIFIC WAGON, TELEGRAPH AND RAILROAD COMPANY," APPROVED NOVEMBER 6TH, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the act of the Legislative Assembly of the Territory of Colorado, entitled "An act to Incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company," approved November 6th, A. D., 1861, be and the same is hereby repealed; *Provided*, that said repeal and nothing herein contained shall be so construed as to effect any right or franchise which may have accrued under said act, so as aforesaid repealed to the Clear Creek and Guy Gulch Wagon Road Company.

SEC. 2. This act shall be in force and take effect from and after its passage.

Approved February 10th, 1865.

AN ACT

TO INCORPORATE THE COLORADO IRON, ENGINE AND MILL MANUFACTURING COMPANY.

SEC. 1. *Be it enacted by the Council and House of Representatives of Colorado Territory:* That a company composed of Clinton M. Tyler, William A. H. Loveland, Thomas D. Worrall, Levi Harsh, Henry M. Teller and Enos K. Baxter, is hereby incorporated and called the Colorado Iron, Engine and Mill Manufacturing Company, the capital stock of which is two hundred thousand dollars ($200,000), and may be increased by a vote of a majority of the stockholders to the sum of eight hundred thousand dollars ($800,000), to be divided into shares of not less than three hundred and not exceeding five hundred dollars, the holders of which, their successors and assigns, shall constitute a body politic and corporate; and by the name aforesaid shall have continued succession, may sue and be sued, complain and defend, and may make and use a common seal and alter the same at their pleasure, and shall be able, in law and equity, to make contracts and to acquire, hold and possess both real and personal property for the purpose of carrying on the business of manufacturing pig, wrought, cast iron, steel and brass, also,

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boilers, engines, quartz mills and railroad and other machinery, at or near Golden City, in the County of Jefferson, Colorado Territory.

SEC. 2. The above named incorporaters [incorporators] shall constitute the board of directors of said company, and shall hold their office until their successors are elected and qualified.

SEC. 3. This company shall have the power to establish the by-laws, rules and regulations of this corporation, (not incompatible with the Constitution of the United States and the laws of this territory).

SEC. 4. If said company shall not have erected their buildings so as to have commenced their operations as contemplated in this act, within five years, then this act shall be nul [null] and void.

Approved February 10th, 1865.

AN ACT

To CHANGE THE NAME OF LOUIS G. PAGE.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the name of Louis G. Page, of Denver City, is hereby changed to that of Harry Richmond, by which name he shall hereafter be known in law and equity. This act to take effect from and after its passage.

Approved February 8th, 1865.

AN ACT

TO AMEND THE ACTS INCORPORATING THE CITY OF DENVER, APPROVED NOVEMBER 7TH, 1861, AND MARCH 11TH, 1864.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the City Council of the City of Denver shall have power to appoint a Marshal of the City of Denver, who shall perform the duties now required by law to be performed by the Marshal of said City of Denver, and such other duties as may be imposed upon him by the ordinances of said city, and he shall hold his office for such length of time as may be

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prescribed by the City Council of said city, and he may be removed from office at any time by said City Council.

SEC. 2. So much and such parts of the act entitled, "An act to incorporate the City of Denver," approved November 7th, 1861, and the several acts amendatory thereto, as provides for the election of a Marshal of said City of Denver by the people thereof, shall be and the same is hereby repealed.

SEC. 3. It shall be lawful for the City Council of the City of Denver to provide by ordinance for the collection of taxes levied or assessed under the ordinances of said city, by distraining the goods, chattels, personal property and effects of the person or persons from whom taxes may be due, and the way and manner in which, and the person or persons by whom such distress warrants shall be issued and levied.

SEC. 4. In all cases of distress for non-payment of taxes, under the provisions of this act, the person or officer making the same, shall immediately file with some Justice of the Peace in said City of Denver, in case the amount due and unpaid does not exceed three hundred dollars, or with the Clerk of the District Court, in case the amount exceeds that sum, a copy of the distress warrant together wit h an inventory of the property levied upon, and thereupon the person or persons against whom the distress warrant shall have been issued, shall be duly summoned in the manner required in actions of assumpsit in the said courts respectively, and the amount of taxes due from such person or persons shall be assessed and entered of record, by the Court in which, or the Justice of the Peace before whom such proceedings shall be pending. The Court or Justice of the Peace shall certify to the person or officer making such distress, the amount so found due, together with the costs which have accrued in such proceeding, and such officer shall thereupon proceed to sell the property so distrained and make the amount so certified to him and return the certificate so issued to him with an endorsement thereon of his proceedings, which return and certificate shall be filed in the Court from which the said certificate was issued.

SEC. 5. If the person or persons named in the summons issued, as provided in section four of this act, shall not be found by the officer to whom such summons shall be directed and delivered, the person or persons therein named shall be notified of the pendency of such proceedings in the manner required in cases of attachment, in the court in which such proceedings shall be pending, and thereafter the cause shall proceed as if the person or persons named in such summons had been personally notified of the pendency of such proceedings.

SEC. 6. That section twenty-four (24) of an act entitled "an act to amend an act entitled an act to incorporate the City of

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Denver," approved March 11th, 1864, be and the same is hereby amended by striking out the word "six" in the third line from the top of said section and inserting the word "fifteen" instead thereof.

SEC. 7. The City Council of the City of Denver, shall have power to define and fix the boundaries of the channel of Cherry Creek, within the corporate limits of said City, and to remove obstructions therefrom and to prevent persons from obstructing the same.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

AN ACT

TO INCORPORATE THE COLORADO AND CLEAR CREEK RAILROAD COMPANY.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That Henry M. Tyler, John T. Lynch, John A. Nye, William A. H. Loveland, Thomas Mason, Albert Gilbert, Milo Lee and Enos K. Baxter, of the Territory of Colorado, and James M. Mills, George Hoyt, John A. Dix, Ebenezer Cook, William W. Wright, Thomas Smull, Luman C. Pollard and William Bond, of the State of New York, and Matthew Laflin of Chicago, Illinois, and Andrew McKinney of Boston, Massachusetts, and Samuel A. Wheelwright George B. Satterlee, William B. Ogden and Jonathan Cox, with such other persons as may associate with them for that purpose, are hereby constituted a body politic and corporate, by the name of the Colorado and Clear Creek Railroad Company, and under that name and style shall be capable of sueing and being sued, impleading and being impleaded in law and equity, in all courts in this territory, may make and use a common seal and alter or renew the same, be capable of contracting and being contracted with, and are hereby invested with all power, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and opperate [operate] a railroad, with one or more tracks, com-

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mencing at or near the western boundary line of Golden City, in Jefferson County, Colorado Territory, thence running in a westerly direction up the stream of Clear Creek, or Vasquez Fork, to the junction of the north and south fork of said stream, thence up the north fork of said stream to the City of Black Hawk and Central in the county of Gilpin, Colorado Territory; and from the junction of said forks up the south fork of the aforesaid stream to Idaho and Empire City, in Clear Creek County, Colorado Territory. Also, commencing at the aforesaid starting point, at or near the western boundary line of Golden City, in Jefferson County, Colorado Territory, thence running in a south easterly direction, over the most feasible route, to Denver City, thence to Kiowa and Bijou Basin. Also commencing at the aforesaid place of beginning, at or near the western boundary line of Golden City, in Jefferson County, Colorado Territory, and running in a north easterly direction to the coal beds on Coal Creek, Boulder City, St. Vrains, Big Thompson and Cache la Poudre, in Colorado Territory by the most practicable route.

SEC. 3. The said company shall have the right of way for said railroad upon that portion commencing at Golden City and running west to Central City in Gilpin County, and Empire City, in the County of Clear Creek, and upon the branches of said road running from Golden City to Kiowa and Bijou Basin via Denver, and from Golden City to Cache la Poudre, via of Coal Creek, Boulder City, Big Thompson and St. Vrains, shall have the right of way upon and may appropriate to their sole use and control, for the purposes contemplated herein, land not exceeding one hundred feet (100) in width, and for the purpose of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth, or material as may be necessary.

SEC. 4. All such lands, material and privileges belonging to the territory are hereby granted to such railroad for the purposes named in the previous section, and may construct such road on or across other railroads, common roads, rivers or streams, which it may intersect in such a manner as not to materially impair their usefulness.

SEC. 5. The capital stock of said corporation shall be five millions of dollars, which may be increased, from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be demed personal property, issued and transferred as may be provided by the laws regulating said company.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors

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shall consist of eleven persons, stockholders, five of whom at least shall be residents of Colorado, who shall be chosen annually by the stockholders, each share having one vote, by person or by proxy, and continued in office until their successors are elected and qualified; vacancies in the board may be filled by a vote of two thirds of the remaining directors.

SEC. 7. The president and directors for the time being, or their officers or agents, are hereby empowered to exersise [exercise] all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandize, and shall have authority of contract and management of the affairs of said company, as may be necessary to carry into effect the intent of this act.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interests of the company; *Provided*, They be not inconsistant [inconsistent] with the laws of the United States or of this Territory. They shall have power to establish such rates of transportation of persons and property as may be necessary, and collect the same, and have direction in all matters and things respecting the use of said road, and the transportation of persons and property as may be necessary; *Provided*, That the Legislative Assembly of this territory or any legislative body, having general legislative authority over the country in which said road is located may, after the expiration of twenty-five years from the passage of this act, and at the expiration of each period of twenty years thereafter, prescribe rates to be charged and collected by said corportion for transporting passengers and freight over said road and the branches thereof.

SEC. 9. It may be lawfull [lawful] for said railroad company their agents or engineers, for the purpose of exploring, surveying and locating said road, to enter upon any lands, and may acquire by release, donation or otherwise, any lands, and may hold the same or convey to others or use the same in any manner deemed for the interests of said company.

SEC. 10. If said company cannot obtain the right of way by purchase or otherwise, or the owner refuse to agree upon terms, or when the owner is unknown, dead, or under age, or an idiot, either party may make application to the District Judge where the land is situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to land and property acquired for the purpose of the road, and said damages, if any shall be appraised by said commissioners and said appraisement shall be subject to an appeal by either party, if made

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within twenty days, on giving bonds for costs to the district court of the district wherein the property is situated.

SEC. 11. Upon such application being made to such judge he shall appoint seven disinterested persons to act as commissioners for the appraisal of such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands, said commissioners shall by public notice appoint a time and place, and may adjourn if necessary, for hearing of parties, and proceed to examine the land, ascertain and determine the damages, if any, and, under oath, impartially and justly to appraise the land necessary for the use of said company, and faithfully perform the duty, to the best of their judgement [judgment] and ability. They, or a majority of them, shall make up and sign the award to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doing to the judge of the district court. The commissioners making such appraisal shall be entitled to pay for their services, at the rate of five dollars per day, and ordinary traveling expenses, which shall be paid by said campany.

SEC. 12. If any person shall carelessly, wilfully or maliciously hinder, delay or obstruct the workmen or the passage of trains, or shall place any obstructions on the track, or in any manner impair or destroy any tools, cars or other property of said railroad, or or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company or agent treble the damages as shall be proven before any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court who shall try the same.

SEC. 13. Subscriptions to the stock of said company may be made in land in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

SEC. 14. The company are hereby authorized to issue bonds upon their road, and hold or sell the same in such amounts, upon such terms, above or below par, and at such rates of interest as may be determined by said company, and which shall be be binding upon the parties interested; *Provided, however*, That said bonds shall not be issued for a less sum than five hundred dollars.

SEC. 15. Said corporation shall, within a reasonable length of time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory.

SEC. 16. The company shall have power to make such contracts and arrangements with other railroads which connect

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with or intersect the same as may be mutually agreed upon by the parties, for leasing or running their roads or any part thereof in connection with roads in other States and territories, and shall be empowered to consolidate their property and stock with each other, such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions, and shall have all the powers, priviliges and liabilities that they may hold by their separate charters, by filing a copy of such article of consolidation in the office of the Secretary of the territory.

SEC. 17. It shall be lawfull [lawful] for any incorporated town or city and the several countieis in this territory to subscribe to the capital stock of said company, and to take as many shares of the stock thereof as shall, by the people of such incorporated town, county or city, be authorized, in the manner hereafter provided and such town, city or county may issue bonds to secure any amount so taken and subscribed, and in such way and manner, and for such length of time as the corporate authorities of such city or town, or the county commissioners of any county shall determine; *Provided*, That before any stock shall be taken as aforesaid by any town city or county as aforesaid, the question whether such stock shall be taken or subscribed shall be submitted to the legal voters of the town, city or county which proposes to subscribe to the capital stock of said company, at some general election, and if a majority of the legal voters of such town, city or county shall declare in favor of such subscription to the capital stock the same shall be taken and subscribed, otherwise, such stock shall not be taken and subscribed.

SEC. 18. The said railroad shall be free from taxation either Territorial or State, county and town tax during the term of its building.

SEC. 19. That said company shall survey or cause to be surveyed that part of said railroad, commencing at or near the western boundary line of Golden City, in Jefferson County, Colorado Territory, and ending at Central City, Gilpin County, Colorado Territory, within four months, and the survey of the branches of said railroad to be completed within one year from the passage of this act.

SEC. 20. The said company shall complete the grading of that part of said railroad beginning at or near the western boundary line of Golden City, Jefferson County, and terminating at Central City, in the County of Gilpin, in the Territory of Colorado, within three years from the passage of this act, and within six months thereafter, the said company shall complete and finish said railroad with the necessary rolling stock for practical operation, and that portion running up the south fork

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of Clear Creek to Empire City, shall be completed within four years; and that branch of said railroad running in a south easterly direction from the town of Golden City to the coal beds on Coal and Boulder Creeks, St. Vrain, Big Thompson and Cache la Poudre, shall be completed within five years; and the other branches of said railroad not mentioned in the foregoing section, to be completed within six years from the passage of this act.

SEC. 21. If the said company shall fail to complete or fail to cause to be completed any part, branch or branches of said railroad, within the time specified in section twenty-one of this act, then the said unfinished branch or branches, as mentioned in section two of this charter, shall be null and void.

SEC. 22. That so much of this act as authorizes or empowers the said corporation to construct a railroad from Golden City to Bijou Basin by way of Denver City, and all parts and portions of this act which relates to that branch of said railroad may be altered, amended, modified or repealed at any time hereafter by the Legislative Assembly of this Territory or any legislative body, having general legislative authority over the region of country in which the same is located.

SEC. 23. This act shall take effect and be in force from and after the passage thereof.

Approved February 9th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT FOR THE PROTECTION OF FARMERS AGAINST THE DEPREDATIONS OF STOCK IN THE COUNTIES OF WELD AND DOUGLAS.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That section first of the act to which this act is amendatory, be amended by striking out the words "during the season for growing crops from the time of planting until said crops are gathered," and insert in lieu thereof the following words "from the first of April to the first of November each year.".

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, February 10th, 1865.

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AN ACT

To Incorporate the Trinidad, Ratoon [Raton] Mountain Road.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Sec. 1. Shat Richard L. Wootten, his legal associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of "The Trinidad and Ratoon Mountain Wagon Road Company," and by that name shall be capable of making contracts, of sueing and being sued, impleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory, and may have and use a common seal which may be altered at pleasure, which corporation hereby created shall continue for the term of ten years.

Sec. 2. Said company shall have power to construct a wagon road from Trinidad, upon the Purgatory [Purgatoire] river, in Huerfano County, thence to some point upon the southern line of the Territory of Colorado, through and over the Ratoon [Raton] Mountains by way of, or as near as possible to the old route known as the Santa Fe and Bent's Old Fort road, and said company shall have power to make and afterwards to alter all needful rules and regulations for the government of said company.

Sec. 3. Said company shall have power to collect such tolls as may be fixed by the county commissioners of Huerfano county, and any person who shall pass the gate or gates on said road and shall neglect or refuse to pay the toll, authorized to be taken by said commissioners, shall forfeit and pay twenty-five dollars, to be recovered by an action of debt by said corporators.

Sec. 4. The county commissioners of Huerfano county or any one of them shall be authorized to examine said road at any time, and if they or any one of them deem the road in bad condition they or he shall give the owners thereof written notice of the facts so considered, when if not prepared in thirty days, or a reasonable time, the charter shall be null and of no effect, and no person shall be liable to pay toll thereon.

Sec. 5. All fines accrueing under the provisions of this act shall be paid into the county treasury for the use of common schools of this territory.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

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AN ACT

TO INCORPORATE THE OVERLAND WAGON ROAD COMPANY.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That Ben Holladay and Bela M. Hughes, and their legal associates, successors and assigns, shall be and they are hereby constituted a body politic and corporate, by the name and style of "The Overland Wagon Road Company," and by that name they shall be capable of sueing and being sued, of pleading and being impleaded in all courts of law and equity, and of making contracts and doing all other acts necessary to the enjoyment of the rights and privileges hereby granted, and of adopting a common seal and altering the same at pleasure, and they shall [have] succession for the term of fifty years.

SEC. 2. The said corporation is hereby authorized and empowered to construct, keep in repair, and maintain, for the term of fifty years, a wagon road from Denver, in the County of Arapahoe, to the western boundary line of the Territory of Colorado, by way of Boulder City and the Arapahoe or Boulder pass, in the snowy range, which pass is at or near the source of North Boulder Creek, to the Middle Park, and thence to the western boundary of said Territory; *Provided*, That the said corporation shall, within six months after the passage of this act, locate the route of said road from Denver to the Middle Park aforesaid, and cause a description of the route so located giving the intermediate points on the same, as near as may be, to be filed in the office of the Secretary of Colorado Territory, verified by the oath of some officer of, or a stockholder in said corporation, and shall also, within eighteen months after the passage of this act, locate the remainder of the route of said road, and cause a description thereof, verified as aforesaid, to be filed in the office of the Secretary of said Territory.

SEC. 3. The said corporation is hereby authorized and empowered to construct and maintain the necessary bridges and ferries at the crossings of all streams on the line of said road.

SEC. 4. It shall be lawful for said corporation to acquire, hold, sell and convey any land [or] property necessary for the use of said road, and for the use of collectors of toll on the same.

SEC. 5. The capital stock of said corporation shall be one hundred thousand dollars, and the same may be increased by the corporation to a sum not exceeding two hundred thousand dollars. The capital stock shall be divided into shares of one

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hundred dollars each, and each share of stock shall be entitled to one vote at all meetings of stockholders to be cast by the holder thereof in person or by proxy.

SEC. 6. There shall be three directors of said company who shall be elected by the stockholders from among their number and one of said directors shall be president of the company.

SEC. 7. The directors of said company shall manage and conduct the business and affairs of the company, and they shall have power to make and afterwards alter or change all needful rules, regulations and by-laws for the government and management of the business and affairs of said company, and to provide the manner of issuing and transfering [transferring] the stock of said company, to appoint such officers and agents as they may deem necessary, fix their salaries, and require and take such security from such officers and agents as they may deem expedient, they shall keep a journal of their proceedings and they shall cause correct books of accounts to be kept.

SEC. 8. The directors may make assessments upon the capital stock of said company, and require the payment of the same at such time and in such manner as they may deem necessary and if said assessments shall not be paid within the time fixed by the directors, they shall give notice to the delinquent stockholders of the fact that an assessment has been made which remains due and unpaid, by advertisement in some newspaper published in this territory, for at least twenty days, and after such notice shall have been given, if such assessment shall remain unpaid it shall be lawfull [lawful] for the directors to declare the stock, upon which such assessment shall be due and unpaid, forfeited. No delinquent stockholder shall be entitled to vote at any meeting of the stockholders of said company.

SEC. 9. The president and directors of said company shall hold their offices for one year and until their successors are elected and qualified, and all other officers of said company shall hold their offices for such term as may be prescribed by the by-laws.

SEC. 10. The stockholders of said company shall meet annually for the purpose of electing the President and directors of said company and transacting such other business as may be necessary, at such time and place as may be prouided in the by-laws, and at every such meeting the directors shall make a full and complete statement of the affairs and condition of the company and its operations during the preceeding [preceding] year, which statement, together with the books of account and record of proceedings of the company and of the board of directors, shall at all times be open to the inspection of the stockholders of said company.

SEC. 11. The said corporation shall commence the construc-

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tion of said road and complete ten miles of the same westward from Boulder City, on or before the 1st day of January, eighteen hundred and sixty-six, and the said corporation shall complete the portion of said road lying between Boulder City and the Middle Park, on or before the first day of January, eighteen hundred and sixty-seven, and the said corporation shall complete the whole of said road within three years after the passage of this act, and if the said corporation shall fail to construct and complete said road, as provided in this section, they shall forfeit all tne rights and privaleges [privileges] granted by this act, and the same shall be null and void; *Provided*, That if any portion of the road, extending westward from Boulder City, shall be constructed by any other company so as to enable the corporation hereby created to connect the said road with the same, the failure to construct that portion of the road so constructed by such other company shall not work a forfeiture of the rights and privileges granted or secured by this act.

SEC. 12. The said corporation shall have authority to collect tolls on said road, as hereinafter mentioned, from all persons traveling over or upon said road with wagons or vehicles of any kind, or with horses, mules, asses, cattle, sheep, or hogs, and any person who shall pass any toll gate which said company are authorized to erect on said road, and shall refuse to pay toll as required by this act, shall forfeit and pay to said corporation the sum of twenty-five dollars to be recovered by said company in an action of debt, in any court of competent jurisdiction.

SEC. 13. The corporation may erect and maintain toll gates on said road at such points as will, in the opinion of the directors, subserve the interests of the corporation, and not exceeding one for every twenty miles of road, at each of which the said corporationn may collect tolls at the following rates and no more, that is to say: upon each wagon or vehicle drawn by one pair of horses, mules or cattle, the sum of one dollar, and for each additional pair of horses, mules or cattle, the sum of twenty-five cents. Upon each vehicle drawn by one animal, the sum of seventy-five cents. Upon each animal riden [ridden] by any person, the sum of twenty cents. Upon each pack animal, the sum of ten cents. Upon all cattle, horses, asses or mules driven loose, the sum of three cents per head. Upon all sheep and hogs driven over said road, the sum of one cent per head; *Provided*, That the Legislative Assembly of the Territory of Colorado, or any legislative body having general legislative authority over the country in which said road is located, may, after the expiration of fifteen years from the passage of this act and deceminally thereafter, prescribe new rates of toll to be charged and collected on said road from the ten years

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next succeeding the time when such rates shall be prescribed, and, *Provided, further*, That no toll gate shall be erected on that portion of said road between Denver and Boulder City.

SEC. 14. It shall not be lawfull [lawful] for said corporation to collect toll from any person passing over said road in any vehicle or otherwise, when such person is going to or returning from any place of public worship, or going to or returning from a funeral.

SEC. 15. If any person shall wilfully do or cause to be done any act or acts whatever through or by which said road or any building, bridge or gate [or] other matter or thing, appertaining to said road shall be destroyed, injured, weakened or obstructed, the person or persons so offending shall be adjudged guilty of a misdemeanor and shall be liable to the company in treble the amount of damages sustained by the company, through or by reason of such unlawful acts, to be recovered by action of debt in any court of competent jurisdiction.

SEC. 16. Upon complaint being made to any Justice of the Peace, in any county through which said road passes, that any part of said road in that county is not in reasonable good condition for wagons and vehicles, the said Justice shall summon the gate keeper nearest the place on said road concerning which complaint is made, to appear before him on some day not more than five days from the time of filing such complaint, and if upon examination it shall be found that the complaint is true, judgment shall be rendered by said Justice against the corporation for the cost of proceeding, and no toll shall be thereafter collected on that part of said road until the same is put in reasonable good condition for wagons and vehicles; *Provided*, That said company shall not be liable to prosecution or costs of suits when said road is in bad condition from heavy falls of snow, snow drifts, high water, or other cause beyond its control.

SEC. 17. If said corporation shall demand or collect tolls on any part of said road ascertained to be out of repair, as provided in section sixteen, before the same shall be put in reasonable good condition, it shall forfeit and pay to the person from whom such toll was demanded or collected the sum of fifty dollars for each offence, to be collected by action of debt in any court of competent jurisdiction.

SEC. 18. If after said road or any part or portion thereof shall have been constructed the said corporation shall suffer the same, or any part thereof, to remain impassible for wagons or vehicles, for a period of time exceeding three months, the rights and privileges hereby granted shall cease and determine, and this act shall become inoperative; *Provided*, That if said road shall be rendered impassible by snow, ice, high water or other cause beyond the control of said corporation, the time

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during which such cause shall operate to produce such impassible condition of said road shall not be computed as a portion of said period of three months.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF CENTRAL," APPROVED MARCH 11TH, 1864.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That all of section fifteen (15) of article eight (8) of said act after the word "peace" in the seventh (7) line of said section, be stricken out and the following inserted instead: "And a change of venue may be taken to any other Justice of the Peace within said city, from said Police Judge, in all cases in the same manner as is now provided by law for the change of venue in Justice courts.

SEC. 2. The City Council shall have the entire and exclusive control of all roads, streets and alleys within said city.

SEC. 3. The City Council shall have entire and exclusive control of the Schools of said City, and shall provide by ordinance for the election or appointment of school directors for said city, not exceeding nine in number, also shall provide for the raising by tax on taxable property within the city, as they shall deem sufficient to rent, lease or procure a suitable site for school house or school houses, and to build or purchase a school house or school houses, and to keep in repair and furnish the same with the necessary furniture, library, fuel and appendages to defray all the contingent expenses of the schools of said city; *Provided*, That such tax so raised for schools shall not exceed one and one-half per cent. on the taxable property aforesaid in any one year.

SEC. 4. The City Council may (for the purchasing of school houses, site or sites, and the purpose of erecting a school house or school houses) issue bonds payable in not less than two and not more than twelve years, bearing interest not exceeding twenty per cent. per annum. (Said bonds shall be designated school bonds.) *Provided*, That not more than thirty thousand ($30,000) dollars of said school bonds shall be issued, and not more than five thousand ($5,000) dollars, together with the in-

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terest on the whole amount of bonds issued, shall become due in any one year. *Provided, also,* That said City Council submit the subject to the qualified voters of the city at some regular city election, and the majority of said voters shall vote for the issueing [of] such bonds.

SEC. 5. The said Council shall cause to be maintained in said city a school for the education of the white children [of said city] over the age of five years and under the age of twenty-one years, for at least six months each year, and said school or schools shall be free to all white children within said city. *Provided,* That all taxes raised upon the property (and collected from persons of color) within the city of Central, under this act, shall be by the City Council set apart, and be used exclusively for the education of children of color between the age of five and twenty-one years, in such manner and under such restrictions as the City Council shall by ordinance provide.

SEC. 6. The City Council may provide by ordinance for the maintaining and support of a high school to be denominated the High School of the City of Central.

SEC. 7. If at any general election the legal voters of the City of Central shall declare, in such way and manner as the City Council shall prescribe, in favor of establishing a high school for the use of the city of Black Hawk and Central, it shall be lawful for the City Council to ordain the way and manner in which such high school shall be established and maintained, and to prescribe all rules and regulations for such high schools, and to provide [for] maintaining the same, and if the City Council of the City of Black Hawk shall have previously adopted the ordinance establishing, maintaining and regulating such high school or shall subsequently adopt the same, such high school shall be established, maintained and regulated according to the provisions thereof, which school shall be free to all the children of Black Hawk and the city of Central under such regulations as shall be determined on by the respective City Councils acting in joint convention for that purpose assembled.

SEC. 8. All acts inconsistent with this act are hereby repealed.

SEC. 9. This act to take effect and be in force from and after the passage thereof.

Approved February 10th, 1865.

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AN ACT

To Incorporate the Masonic Hall Association, in Denver, Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Sec. 1. That Francis Gallup, Edward H. Collins and Richard Sopris, of Denver Royal Arch Chapter, U. D.; Wm. N. Byers, Andrew Sagendorf and George W. Kassler, of Denver Lodge, No. 5, A. F. and A. M., and Sam. H. Elbert, Fred Z. Salomon and O. A. Whittemore, of Union Lodge No. 7, A. F. and A. M., and their successors, to be appointed in the manner hereinafter declared, representing the several Masonic Bodies before named, be, and they are hereby incorporated and made a body politic and corporate, by the name of the Masonic Hall Association of Denver; and by that name may sue and be sued plead and be impleaded, in any court of law or equity of competent jurisdiction, and may have and use a common seal, and the same change at pleasure; and be entitled to use and exercise all the powers, rights and privileges incident to such corporation.

Sec. 2. The said corporation shall be capable of acquiring and holding, by gift, devise or purchase, real and personal estate, which estate, personal and real, shall never be divided among the members of the said corporation, but shall descend to their successors duly elected and appointed in the manner hereinafter declared by the bodies they represent, for the promotion of the principles of the said corporation, and the benevolent purposes of the order of Free and Accepted Masons which they represent; *Provided*, That said corporation shall acquire and hold no more land than is necessary for a site on which to erect a Masonic Hall, suitable and convenient for the transaction of the business of the Association, and the promotion of the principles and purposes aforesaid; but this provision shall not prevent the said corporation from constructing suitable rooms and offices in connection with the said Hall, to rent, and renting the same, and receiving rent therefor, to be applied to the promotion of the principles and purposes aforesaid.

Sec. 3. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars; and the stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal property, transferable in such manner as the constitution and by-laws of said corporation may direct.

Sec. 4. Within ten days after the passage of this act, the

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corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of the said corporation to be opened, and kept open in such place, and for a period to be fixed by the said corporators, or a majority of them; public notice of which may be given by advertisement, or otherwise, as said corporators or a majority of them may determine; and the subscribers upon said books to the capital stock of the corporation shall be held to be stockholders. *Provided*, That every subscriber shall pay at the time of subscribing such per centum of the amount by him subscribed, as may be required by the corporators or a majority of them, to the treasurer elected or appointed by the corporators or a majority of them, or his subscription shall be null and void. And when the books of subscription to the capital stock of said corporation shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within ten days thereafter, call the first meeting of the stockholders of said corporation to meet within ten days thereafter, for the choice of directors, of which public notice shall be given, for three days, in some newspaper published daily in Denver, or by written personal notice served on each stockholder by the Secretary or Clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 5. The government and direction of the affairs of the corporation shall be invested in a board of directors, five in number, elected by the stockholders, on the second Monday of January in each year, from among the corporators named in the first section of this act, and their successors elected or appointed in the manner hereinafter declared, by the masonic bodies they represent, who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors. And the said directors shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall elect a secretary from among their own number, or from the corporators aforesaid, who shall also be secretary of the corporation. And they shall also choose a treasurer, who shall give bonds with surety to said corporation in such sums as the said directors may require, for the faithful discharge of his trust. A majority of the directors shall form a quorum for the transaction of business; and in case of vacancy in the board of directors, by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors from among the corporators named in the first section of this act, or their successors, duly

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elected or appointed in the manner hereinafter declared by the masonic bodies they represent.

SEC. 6. The directors shall have full power to make and prescribe such by laws, rules and regulations as they shall deem needful and proper for the disposition and management of the stock, property, estate and effects of the corporation, not contrary to the charter, or to the laws of the Territory of Colorado and the ordinances of the City of Denver; and shall have power to alter or amend the same as the interests of the corporation, in their opinion, may require. And the said directors shall have power to regulate the payment of interest upon the certificates of stock held by the stockholders, or other dividends that may accrue, and shall have power to provide for the redemption of the stock held by individuals, upon fair and equitable terms.

SEC. 7. Each masonic body or organization named in the first section of this act, shall be entitled, during the month of December, eighteen hundred and sixty-five, and annually thereafter, to meet and select, by ballot, three of its members as successors to the persons then, or last representing it, as members of this corporation, whose annual term expires next thereafter, or which may have expired next before that time, so that said corporation shall forever consist of three corporators from each of said Masonic bodies named in the first section of this act; *Provided, however*, That should any of the said several Masonic bodies named in the first section of this act, surrender or forfeit its masonic charter or warrant, or, from any cause, cease to be recognized by the order of free and accepted Masons, it shall not thereafter be entitled to any representation in said corporation, nor shall the continued corporate existence and rights of this association be in any wise affected thereby so long as there remains five corporators qualified to act as such.

SEC. 8. Any Masonic Lodge, Chapter, Council, Commandary or Consistory now in existence or that may hereafter be instituted in the City of Denver, may by and with the consent of two thirds of the corporators named in the first section, or their successors, be admitted to a representation in said corporation upon an equal footing with the several Masonic bodies named in the first section of this act.

Approved February 8th, 1865.

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A BILL

FOR AN ACT TO INCORPORATE THE DENVER AND SAN LUIS VALLEY WAGON ROAD COMPANY.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That Jasper P. Sears, Jr., A. Cameron Hunt, and Frank Palmer, Robert Berry, and their legal associates, successors and assigns be and they are hereby constituted a body politic and corporate by the name and style of the Denver and San Luis Valley Wagon Road Company, and by that name they shall have succession for the term of thirty years, and shall be capable of making contracts, of sueing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal and alter the same at pleasure.

SEC. 2. The corporation hereby created shall be and is hereby authorized and empowered to construct and maintain, during its existence, a wagon road from Denver City, in the County of Arapahoe, to the southern boundary of the Territory of Colorado, upon the most feasible and practicable route as the same may be selected and located by the corporators aforesaid, their associates, successors and assigns, by the way of the following intermediate points to-wit: From Denver, in a southerly direction, to the crossing of Plum Creek, about three miles above the mouth thereof, thence southerly and entering the mountains at or near Garbor's Ranche, about five miles southerly from the Platte Canon, thence southerly to the place where the road leading from Colorado City to the South Park crosses the south branch of the Platte river, thence southerly to the point where the roads leading from Canon City to California Gulch and to Montgomery divirge [diverge], thence southerly to the crossing of the Arkansas River, known as the drift, about fifteen miles above Canon City, thence southerly through or across the Puncbe Pass to the crossing of the Rio del Norte, thence by way of the Conejos Agency and Los Pinos to the southern boundary of the Territory, and the said corporation shall have the right to construct, establish and operate a ferry at the crossing of the Rio del Norte aforesaid, during the period aforesaid.

SEC. 3. It shall be lawfull [lawful] for said corporation to acquire and hold any real estate necessary for the use of said road and ferry, and to sell and convey the same, and to acquire the right of way for said road by purchase or in the manner provided in the act to enable road, ditch, manufacturing and other companies to become bodies corporate, approved March 11th, 1864.

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SEC. 4. The capital stock of soid corporation shall be fifty thousand dollars, and the same may be increased by the stockholders to one hundred and fifty thousand dollars. The capital stock shall be divided into shares of one hundred dollars each, and at all meetings of stockholders each share shall be entitled to one vote, to be cast by the holder thereof, in person or by proxy.

SEC. 5. The stockholders of said corporation or a majority of them at any meeting shall have power to designate the officers of said corporation and to provide for their election, and the duties to be performed by such officers, respectively, and to make bye-laws [by-laws] for said corporation, and to regulate the manner of holding and transferring the stock and all other affairs of said corporation.

SEC. 6. The said corporation shall complete the construction of twenty miles of that portion of said road, commencing at or near Garbors' Ranche and running thence, southerly, into the mountains, within one year after the passage of this act, and shall complete the whole of said road, with the ferry over the Rio del Norte, within three years after the passage of this act; and if said company shall fail to construct and complete said road, as provided in this section, they shall forfeit all rights and privileges grantad in this act, and the same shall be null and void.

SEC. 7. The said corporation shall have power and authority to collect tolls on that portion of said road which lies between the point where the same enters the mountains, at Garbors' Ranch aforesaid, and the point where the same passes out from the mountains and strikes the San Luis valley, and upon no other portion of the road, at the rates hereinafter prescribed. From all persons passing over or upon said road with wagons or vehicles of any kind, horses, mules, oxen, cattle, sheep or hogs and goats, and any person who shall pass any toll gate authorized to be erected on said road, and shall refuse to pay toll, as required by this act, shall forfeit to said corporation the sum of twenty-five dollars, to be recovered by action of debt.

SEC. 8. The said corporation may erect and maintain toll gates, on the portion of said road mentioned in section seven, at such points as they may select, not exceeding one gate for every thirty miles of road, at each of which gates it shall be lawfull [lawful] for said corporation to charge and collect toll, at the rates following and no more, that is to say: Upon each wagon or vehicle drawn by one pair of horses, mules or oxen, one dollar; and for each additional pair of horses, mules or oxen, fifteen cents. Upon each vehicle drawn by one animal, seventy-five cents. For each animal ridden by any person, fifteen cents. For each pack animal, five cents. Upon all cattle

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horses and mules, driven loose, four cents per head. Upon all sheep and hogs driven over said road, one cent per head; *Provided*, That the Legislative Assembly of this Territory, or any body having general legislative authority over the region of country in which said road is located, may, after the expiration of ten years from the passage of this act, and decemnially thereafter, prescribe new rates of toll to be charged and collected on said road by said corporation.

SEC. 9. The said corporation may charge and collect tolls, for crossing in the ferry to be established and operated at the crossing of the Rio del Norte aforesaid, at the following rates, to-wit: For each wagon or vehicle drawn by one pair of horses, mules or oxen, one dollar; and for each additional pair of horses, mules or oxen, twenty-five cents. Upon each vehicle drawn by one animal, seventy-five cents. Upon each saddle horse or mule, the sum of twenty-five cents. Upon each pack animal, the sum of twenty-five cents. Upon all cattle, horses, asses and mules driven loose, the sum of ten cents per head. Upon all sheep and hogs, the sum of two cents per head. For every footman, the sum of ten cents; *Provided*, That the Legislative Assembly of this Territory, or any body having general legislative authority over the country in which said ferry is located, may, after the expiration of ten years from the passage of this act, and decemnially thereafter, prescribe new rates of toll to be charged and collected by said corporation at said ferry.

SEC. 10. Upon complaint being made before any Justice of the Peace in any county through which said road passes, that any part of the road in the county in which such Justice resides, is is bad condition,, or is not passable for wagons and vehicles, said Justice shall summon said company, or any agent thereof, to appear before him at any time to be by him fixed, not exceeding six days from the filing of the complaint, and if upon examination it shall appear that the complaint is true, judgement [judgment] shall be rendered against said company for the costs of suit and for the sum of fifty dollars to be paid into the school fund of the county, and thereupon no toll shall be collected by said corporation on that portion of said road until the same is put in passable condition for wagons and carriages; *Provided, however*, That said corporation shall not be liable to prosecution or cost of suit when said road is in bad condition from heavy falls of snow, snow drifts, high water, ice, or other providential causes.

SEC. 11. Said corporation shall not demand or collect tolls on any part of said road that may be in bad condition, after judgment shall have been rendered, as provided in section ten, until such part of the road shall be put in passable condition,

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and if said corporation shall demand toll, after judgment shall have been rendered, as aforesaid, and before such road shall have been repaired, the corporation shall forfeit the sum of fifty dollars, to be recovered by action of debt in any court of competent jurisdiction, by the person or persons from whom such toll was illegally collected. Nothing herein before contained shall be construed to prevent other road companies constructing roads from other points in this territory from connecting any road or roads of such companies with the road authorized by this act.

SEC. 12. If any person or persons shall wilfully do or cause to be done any act or acts whatever, through or by which the said road or ferry, or any building, bridge, gate, or other matter or things appertaining to said road or ferry shall be destroyed, weakened or obstructed, he, she or they shall be deemed guilty of a misdemeanor and shall forfeit and pay to said company treble the amount of damage sustained by the company, through or by reason of such act or acts, to be recovered by the company in any court of competent jurisdiction.

SEC. 13. The said corporation are hereby authorized to collect tolls on said road, at the rates herein prescribed, as soon as thirty miles thereof shall be completed, and thereafter upon other portions thereof as the same shall be completed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved, February 10th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT PRESCRIBING RULES AND REGULATIONS FOR THE TRUST ARISING UNDER THE ACT OF CONGRESS ENTITLED 'AN ACT FOR THE RELIEF OF CITIZENS OF TOWNS UPON LANDS OF THE UNITED STATES, UNDER CERTAIN CIRCUMSTANCES,'" APPROVED MARCH 11TH, A. D., 1864.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That section two of said act be amended by inserting the words "his or their successors," between the words "Congress" and "shall," in the third line from the top of said section.

SEC. 2. That all lots, blocks, pieces or parcels of land, lying within the town os Boulder, in the County of Boulder, and Territory of Colorado, unclaimed under section four of said

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act, shall, on the first Monday of July, A. D., 1865, be exposed to sale, at public vendue, by the Probate Judge of said county, holding said lots, blocks, pieces or parcels of land under the act to which this act is an amendment, to the highest and best bidder therefor, said sale to be continued from day to day until all of such lots, blocks pieces or parcels of land have been offered for sale; *Provided*, That no lot, piece or parcel of land shall be sold for a less sum than ten dollars.

SEC. 3. That all lots, blocks, pieces or parcels of land so offered for sale and for which a less sum than ten dollars shall be bid therefor, shall be and remain in the hands of said county judge or his successor in office for the benefit of said town of Boulder, to be exposed to future public sales, whenever, in the opinion of said county judge or his successor in office, it will be for the benefit of said town in which said lots, blocks, pieces or parcels of land are located; *Provided*, That at any such future sales of said lots, blocks, pieces or parcels of land shall any one be sold for a less sum than five dollars.

SEC. 4. That the money arising from such sales shall be deposited with the County Treasurer of said county to constitute a fund to be appropriated for the purpose of erecting a Court House and Jail in the town of Boulder, County of Boulder, and Territory of Colorado.

SEC. 5. That said fund shall be available for the purposes mentioned in section four of said act by orders drawn on the County Treasurer, said orders shall state the object for which the money is appropriated, to whom payable, and shall be signed by the chairman and clerk of the board of county commissioners of said county.

SEC. 6. That the said County Judge and his successor in office shall be allowed five per cent. on all monies arising under the sales of property, as provided in this act, to be retained by said judge out of the proceeds of said sales.

SEC. 7. That this act shall be construed to apply alone to the town of Boulder, in the county of Boulder, Territory of Colorado.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

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AN ACT

To Incorporate the Denver, Turkey Creek and South Park Road Company.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Sec. 1. That Edwin Scudder, George W. Harriman, John W. Osborn, Edward F. Mitchel, Henry Henson and Holliday P. Newlin, and their legal associates and successors, are hereby constituted and declared a body politic and corporate porate under and by the name and style of the Denver, Turkey Creek and South Park Wagon Road Company, and by that name shall be capable of sueing [suing] and being sued, impleading and being impleaded, in all courts of law and equity in this territory having jurisdiction in such cases. Said company is authorized to have and use a common seal, to alter the same at pleasure, and make such rules and regulations for the management of its affairs as the company may deem necessary.

Sec. 2. Said company are hereby authorized and empowered to contract, hold, improve, alter and maintain a wagon road leading from Denver to the South Park, by way of Turkey Creek Canon, and on or near the line of what is known as the "Clifford Cut-off," and terminating at or near the entrance to the South Park.

Sec. 3. It shall be lawfull [lawful] for said company to acquire and hold any real estate necessary for the use of toll keepers on the line of said road, and to sell, dispose of and convey any such real estate whenever they may deem it for the interest of said corporation so to do.

Sec. 4. Said corporation shall have power to make, alter and amend all needful rules and regulations for the government and management of said road. They shall elect a President, Secretary and Treasurer, at such time and place as the said company herein named, together with such others as may become stockholders shall agree upon, and annually thereafter to elect a President, Secretary and Treasurer, who shall be stockholders in said company.

Sec. 5. Said company, by themselves and their agents shall have power and authority, for a term of twenty years, to collect toll, as herein after mentioned, from all persons traveling upon and over said road with vehicles of any sort, horses, mules, asses, cattle and sheep, and any person who shall pass any toll gate on said road, authorized to be erected, and shall refuse to pay such rates of toll as is herein authorized, shall forfeit and

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pay for each offense the sum of twenty-five dollars, to be recovered as a fine before any Justice of the Peace or other court of competent jurisdiction within the county or dsitrict wherein such toll gate may be situated, and half of said fine to go to the informer, who shall be a competent witness in the case, and the other half to the use of said county.

SEC. 6. There may be erected, upon the line of said road, toll gates to the number of two and no more, at which gates, respectively, there may be collected, for the first ten years after the completion of said road, the following rates of toll and no more, to-wit: Upon each wagon or vehicle drawn by one span of horses or mules, or one yoke of cattle, the sum of one dollar and twenty-five cents. Upon each additional span of horses or mules, or yoke of cattle to each wagon or vehicle, the sum of thirty cents. For any wagon or vehicle drawn by one horse, mule or ox, the sum of seventy-five cents. Upon each riding horse or mule the sum of twenty-five cents. Upon horses, mules, cattle and asses, driven loose, the sum of ten cents. Upon all sheep and hogs, driven upon said road, the sum of one cent per head. And thereafter, to-wit: Upon each wagon or vehicle drawn by one span of horses or mules, or one yoke of cattle, the sum of one dollar. Upon each additional span of horses or mules, or yoke of cattle to each wagon or vehicle, the sum of twenty-five cents. Upon each riding horse or mule, the sum of ten cents. Upon horses, mules, cattle and asses, driven loose, the sum of five cents per head. Upon all sheep and hogs driven upon said road, the sum of one cent per head; *Provided*, It shall not be lawfull [lawful] to collect toll from any person passing through said gate when going to or returning from places of worship or funeral.

SEC. 7. There shall be a board of directors of five, who shall be stockholders of said company, including the President, Treasurer and Secretary, who shall be chosen by the stockholders at the time for choosing said President, Treasurer and Secretary, and said board shall have the direction and management of the affairs of the company.

SEC. 8. The said road may be divided into two sections, the first including that part of the road between Denver and the junction of the north and south fork of Turkey creek as the lower section, and that part between the said forke of Turkey creek and the South Park, as the upper section.

SEC. 9. The said company shall commence the construction of said road within three months from and after the passage of this act, and shall complete the said lower section of said road within one year from said commencement, and shall complete the whole of said road within three years and a half from said commencement; *Provided*, That whenever either of said sections of said road is completed the said company shall be

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authorized to erect and maintain one toll gate upon said section so completed in good condition for travel.; *Provided, further*, That no toll gate shall be erected on said road at any point between the city of Denver and the foot of the mountains.

SEC. 10. Upon complaint being made to any Justice of the Peace in any township or district through which said road extends that any part of said road is not in reasonable good condition for wagons or vehicles, the said Justice shall summon the gate keeper nearest the place on said road complained of, to appear before him as in other cases, and if it shall appear to said justice that the complaint is true, judgment shall be rendered against the said corporation for costs, and thereupon no toll shall be collected by said gate-keeper untill said road shall be put in good repair, for the passage of wagons and vehicles, and if any gate-keeper shall demand and collect any toll, before the said road shall be so repaired, he shall forfeit and pay the sum of twenty-five dollars, which may be sued for by any person, one half to go to the informer, and the other half to the county in which such gate-keeper shall reside.

SEC. 11. Nothing in this act shall give the said company, any right or privilege on any part of said road, that may pass over any other road heretofore incorporated without permission of such other company; *Provided however*, the company herein incorporated, shall have the right to run their road so as to cross and recross or run paralell to the line of any other road whenever deemed necessary by said company, and it shall not be lawful for the owners, managers, corporators, or agents of any such other road to erect or maintain any toll-gate at any point or points where it may be necessary to cross or recross such road as aforesaid.

SEC. 12. The said company shall have the right of way for said road along the north side of the Platte river from the point where said road strikes the said Platte river to the point where said road leaves the same, and also through the Turkey creek canon wherever the same is not already occupied and used by any other road having prior right thereto.

SEC. 13. If the said company shall fail to keep said road in reasonable good condition for travel and freighting during all seasons of the year, except when prevented from so doing by unavoidable hinderance, they shall forfeit all their rights under this act, *provided*, that when said road is obstructed by snow or high water, or any other unavoidable cause, the said company shall be allowed a reasonable time to repair the same, and during such time no toll shall be collected on any section of said road until repaired and put in good condition.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 8th, 1865.

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AN ACT

AMENDATORY OF AN ACT TO INCORPORATE THE ENTERPRISE WAGON ROAD COMPANY, APPROVED OCTOBER 3RD, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

That in section four of said act the word "fifty" be stricken out, and the words "sixty-five" be inserted instead thereof.

Approved February 9th, 1865.

AN ACT

TO INCORPORATE THE BOULDER VALLEY AND CENTRAL CITY WAGON ROAD COMPANY.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That Nelson K. Smith, Clinton M. Tyler, James P. Maxwell, Daniel Pound, Jonathan A. Turtlott, John J. Wallace, S. I. Plum, Luther C. Wellman, and Frederick Kookler and their legal associates and successors, be and they are hereby declared to be a body politic and corporate by the name and style of "The Boulder Valley and Central City Wagon Road Company" and by that name shall be capable of making contracts, of suing and being sued, impleading and being impleaded in all matters whatsoever in all courts of law and equity in the Territory of Colorado, and may have a common seal and alter the same at pleasure.

SEC. 2. The said company are hereby authorized to construct and maintain for the full term of thirty years, a wagon road from Boulder City, in Boulder county, to Central City, in Gilpin county, commencing at the west line of Boulder City, thence up the North Boulder creek to the most feasable [feasible] point to cross over to South Boulder, at or near the mouth of Beaver creek, thence by the nearest and most practicable route to Central City.

SEC. 3. It shall be lawful for said company to acquire and hold any real estate necessary for its use in managing said road, and to sell and convey the same by deed or otherwise, whenever it shall deem for the interest of the company so to do.

SEC. 4. Said company shall commence the construction of said road at its eastern terminus within thirty days after the

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passage and approval of this act and shall complete the same within two years.

SEC. 5. That the capital stock of said company shall be fifty thousand dollars, to be divided in one hundred dollar shares, and said company shall have the privilege of increasing the same to one hundred thousand dollars, at its pleasure.

SEC. 6. Every stockholder in said company shall be liable only to the creditors of the company in an amount equal to the amount remaining unpaid on the stock of said company held by him.

SEC. 7. Any five of the above incorporators shall constitute the first board of directors under this act, who shall hold their offices until their successors are elected and qualified. They shall meet at such time and place as shall be designated by the incorporators, within twenty days of the passage and approval of this act, and organize as a board of directors, and when organized shall cause books of subscription to be opened at such times and places as they may designate, and continue the same open so long as they may deem proper, and re-open the same at pleasure until the whole capital stock shall be subscribed.

SEC. 8. When the capital stock shall all have been subscribed and ten per cent thereof paid in, the directors as soon as practicable thereafter, shall call a meeting of the stockholders for the purpose of electing five directors, and shall appoint the time and place of such meeting and election and shall prescribe the regulations thereof by posting notices at Central City, Black Hawk, Point and Boulder City, and advertising the same in some newspaper published in the Territory.

SEC. 9. The directors elected as aforesaid shall at their first meeting elect one of their number president of their company, and the said president and directors shall manage and conduct the business of said company for one year and until their successors are elected and qualified. One year from the date of the election by the stockholders, and annually thereafter there shall be an election of directors of said company, the time and place of which election shall be given by publication in two or more newspapers published in the Territory, said publication or notice shall be given fifteen days prior to the time of election.

SEC. 10. At all elections of said company each share of stock thereof shall entitle the holder to one vote, which shall be by ballot, and such ballot shall have endorsed thereon the number of shares represented by the same. The members of said company may vote by proxy, but every proxy shall be in writing and filed in the office of the company until after the next annual election.

SEC. 11. The president and directors shall appoint such

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officers and agents as they may deem necessary, fix their salaries and require and take such security from them as they may deem expedient; shall cause correct books and accounts kept; make all needful rules and by-laws for the regulation of the company, and fill any office that may be vacant in said company.

SEC. 12. The directors shall make an assessment for the payment of subscriptions to the capital stock of said company, at such time and in such manner as they may deem necessary, and a notice of all such assessments, and the time and place of payment, shall be given by advertising the same in some newspaper published in the Territory, at least twenty days before the same shall be due and payable, and if any stockholder shall fail to pay any such assessment within five days after the same shall be due, such stock shall be forfeited. No delinquent stockholder shall be entitled to vote at any election of said company.

SEC. 13. When full payment of the stock of any subscriber shall be made the president and directors shall deliver to such stockholder one or more certificates of such stock under the seal of the company, signed by the president and countersigned by the secretary, for the number of shares belonging to him, which certificate of stock shall be assignable on the books of the company only, and whened [when] assigned shall be taken in by the company and cancelled and a new certificate issued to the assignee.

SEC. 14. When said road shall be completed the president and directors of said company [company] shall issue certificates of full-paid stock to each subscriber for the number of shares subscribed and paid for by him.

SEC. 15. At each annual meeting of said company the directors shall make a full and complete exhibit of the affairs and condition of the company and its operations for the preceding year, which annual statement verified by the president and secretary shall be published in some newspaper printed in the Territory of Colorado.

SEC. 16. Said company shall have authority to collect tolls on said road as hereinafter mentioned, from all persons traveling over or upon said road, and any person passing any toll-gate authorized to be erected by said company on said road and refusing to pay toll as required by this act, shall forfeit the sum of twenty-five dollars, to be recovered in an action of debt by said company.

SEC. 17. Said company may erect and maintain a toll-gate at the place of commencement and such other points as may subserve the interests of said company. *Provided however*, That there shall not be more than two toll-gates erected on the main line of said road, and one toll-gate on the branch thereof, at each of which they may collect toll at the rates following: For

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each wagon or vehicle drawn by one pair of mules, cattle, or horses, one dollar, and for each additional pair of mules, cattle, or horses, twenty-five cents; upon each vehicle drawn by one horse, seventy-five cents; upon each saddle horse or mule, twenty cents; upon each pack animal, ten cents; upon all cattle, horses, and mules driven loose, five cents each, and upon all sheep and hogs, three cents each; *Provided*, That the Legislative Assembly of this Territory, or any body possessing general legislative authority over the country in which said road is located, may at any time, after the expiration of 20 (twenty) years from the passage of this act, prescribe new rates of toll to be charged and collected on said road and the branch thereof, during the remainder of the corporate existence of said company.

SEC. 18. Upon complaint being made to any justices of the peace in any county through which said road passes, that any part of said road in that county is not in a passable condition for wagons and vehicles, said justice shall summon said company before him at a time to be by him fixed, not exceeding six days from the filing of the complaint, and if upon examination it shall appear the complaint is true, judgment shall be rendered against said company for the costs of suit, and thereupon no toll shall be collected by said company on that part of the road until the same is put in good condition for wagons and carriages; *Provided however*, That in no case shall said company be liable to prosecution or costs of suit when said road is in bad condition from heavy falls of snow, snow drifts, high water, ice, or other Providential causes.

SEC. 19. If said company shall demand and collect toll on that part of the road after any such judgment, as provided heretofore, shall have been rendered, until such part of the road shall be put in good condition, it shall forfeit and pay the sum of fifty dollars for each such violation, which may be sued for by the person or persons from whom such toll has been collected, or any other person, in an action of debt before any justice of the peace in the county in which toll was illegally collected.

SEC. 20. And it is further provided that no person shall be allowed to fell trees upon or across said road, or drag or haul the same on or across the said road to the injury thereof, and any person or persons so injuring said road shall be liable to a fine of not less than twenty-five dollars, nor more than one hundred dollars, to be sued for and collected by said company.

SEC. 21. Said company are hereby further authorized and empowered to construct a branch of their said road from the point where Four Mile creek empties into North Boulder creek, by way of Sugar Loaf mines, to Ward district; that is to say commencing at the mouth of Four Mile creek in Boulder

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county, thence up said creek by way of the Sugar Loaf mines to Ward district, terminating at or near the forks of Left Hand creek, in said district, in Boulder county, in Colorado Territory, and said company shall have the right to collect toll on said branch the same that they have on the main road as hereinbefore prescribed.

SEC. 22. A failure on the part of the company to comply with any of the provisions of this charter, shall work a forfeiture thereof, and nothing herein shall be so construed as to infringe upon the rights or titles of any person heretofore granted or acquired.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved February 8th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CONSOLIDATED DITCH COMPANY, APPROVED OCTOBER 18TH, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That section seven (7) of an act to incorporate the Consolidated Ditch Company, approved October 18th, 1861, shall be, and the same is hereby amended so as to read as follows, to-wit: "The said company shall be deemed and held liable for all damage done the property of others in the construction of said ditch and its branches, wherever the right to such property attached before the passage of this act, and for all damage that may result through neglect or carlessness in operating said ditch.

SEC. 2. That section thirteen (13) of the said act to incorporate the Consolidated Ditch Company, shall be and the same is hereby amended by striking out the following words, to-wit: "Except the ditch, which shall not be injured or interfered with by any person without the consent of the company."

SEC. 3. The said corporation shall so construct and maintain and keep in repair the ditches by it constructed, so that no water shall escape therefrom to the injury of any person, and if any water shall escape either by percolation, seepage, or overflow, or in any other manner, from any of the ditches of

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said company, to the injury, detriment, or damage of any quartz lode, mining claim, or other property of any person, the said corporation shall be deemed and held liable to the person aggrieved, for such injury, detriment, or damage.

SEC. 4. The said Consolidated Ditch company shall be, and the same hereby are compelled to convey the water of their ditch in a tight plank flume throughout that portion of the line of said ditch, commencing at or near "Tobin's mill," on Quartz hill, in the Illinois Central Mining district, Gilpin county, and terminating at the foot of said Quartz hill at or near Missouri City, and shall complete said flume within four months after the passage of this act, and wherever upon the line of said ditch there now is or hereafter may be one or more lode claims designing to be worked and rendered impracticable to be so worked by reason of the water from said ditch, the said company shall in like manner convey the water of said ditch in a tight flume, and shall complete said flume over the ground where such claims are located within ninety (90) days after written notice shall have been served by the proprietor of said claims, upon said company or their duly appointed agents.

SEC. 5. If the said company shall fail, or neglect to build and complete said flume or flumes within the time prescribed in the foregoing section, the said company shall forfeit and pay a sum not less than thirty dollars nor more than sixty dollars for each day said company so fails or neglects to commence and to continue work upon the same until completed, such sum to be recovered as a fine before any justice of the peace or other court of competent jurisdiction, upon complaint of any person interested, said sum so recovered to go to the county wherein suit is brought.

Approved February 9th, 1865.

AN ACT

ENTITLED AN ACT TO INCORPORATE THE RUSSELL GULCH AND NEVADA WAGON ROAD [COMPANY.]

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That James M. Mills, and John Stanton, jr., and their legal associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, under the name and style of the Russell Gulch and Nevada Wagon Road Company, and as such body corporate they shall have succession for a

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period of ten years, and power to sue and be sued, plead and be impleaded, to construct, maintain, and keep in repair a wagon road over the route hereinafter mentioned, and to acquire the right of way for the same, and to charge toll on such road at the rates hereinafter prescribed, and generally to do and perform such other acts as may be necessary to a full and complete enjoyment of the franchise hereby granted.

SEC. 2. The road constructed by said corporation shall commence at or near the head of Nevada gulch, and run thence easterly along the north side of the South mountain to the divide between Leavenworth and Nevada gulches (or more definitely specified) to the location of the Alps lode; thence southeasterly on a gradual course along the eastern side of the aforesaid mountain to the place of crossing the consolidated ditch; thence along the south side of the North Russell gulch mountain in a south-westerly direction, to a point known and designated as the location of the Cuddy and Barker mills; and further, said company may construct a branch road commencing at or near the crossing of the divide hereinbefore mentioned, and running thence along the line of said Alpse [Alps] lode for a distance of about eleven hundred feet; thence bearing north-west and terminating at a point at or near the west end of the Quartz Hill Patch.

SEC. 3. It shall be lawful for said company to acquire and hold and [all] real estate necessary for the use of toll-keepers on the line of said road, and for no other purpose, and to sell, dispose of, and convey by deed, any real estate so used and occupied for the use of toll-keepers on said road whenever they shall deem it for the interest of the company so to do. Said company shall have the right of way over the line of said road, *Provided*, That the amount of land claimed by said company shall not exceed thirty feet in width on the line of said road, and it shall be competent and lawful for said corporation to use any gravel, earth, timber, or stone, within the said limit for the purpose of constructing said road, *Provided*, That nothing in this act shall be so construed as to interpose with any of miners heretofore.

SEC. 4. Said company are authorized to erect toll-houses and toll-gates, and employ toll-gatherers who shall demand and collect toll at the following rates and no more: For each wagon or vehicle drawn by one span of horses, oxen or mule, ten cents per mile; for each additional span of horses, oxen, or mules, the sum of five cents per mile; for each horseman, the sum of five cents per mile; and for all loose stock, the sum of two cents per mile.

SEC. 5. The said company may, if necessary, erect three toll-gates at suitable points on said road, and if any person or per-

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sions, after such toll at the before mentioned rates shall have been demanded by the regular authorized toll-gatherer, who may be found traveling upon said road, shall refuse to pay said toll he, she, or they shall be subject to a fine of not less than five dollars, nor more than twenty-five dollars for such offence, the same to be collected by an action of debt before any justice of the peace in the county where said road is located.

SEC. 6. Any person or persons who shall willfully or carlessly obstruct damage or destroy any part of said road shall be guilty of misdemeanor, and shall forfeit and pay to said company treble the amount of damages thus sustained, such offenders being found guilty upon trial before any justice of the peace or other court of competent jurisdiction in the county where the road is located.

SEC. 7. The said company shall keep said road in good repair for the term of ten years, and shall also be liable for all damages caused by the bad condition of said road. Said road shall be accurately measured and mile posts erected with suitable inscriptions thereon.

SEC. 8. It shall be lawful for the corporators or stockholders of said corporation to nominate and appoint an attorney in fact to attend any meeting of such corporators or stockholders and cast the vote of the person making such appointment upon all questions, and to revoke such appointments and appoint another at pleasure.

SEC. 9. This act to take effect on and after its passage.

Approved, February 8th, 1865.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE DENVER, BRADFORD AND BLUE RIVER ROAD COMPANY," APPROVED OCTOBER 11TH, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That an act entitled "An act to incorporate the Denver, Bradford and Blue River Road Company, approved October 11th, 1861," be and the same is hereby amended by the addition of the following as an additional section thereto, to wit: "Section 2, The Legislative Assembly of this Territory shall have power and authority at any session hereafter, to alter, amend, or to repeal this act, and in case the road shall not be kept in a good passable condition for traveling and

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freighting during all seasons of the year, the failure to keep said road in such condition shall work a forfeiture of all the rights and privileges [privileges] of the said corporation under this act; *Provided however*, That by reason of snow or high water it shall not be possible for any person or persons with reasonable expense to repair said road, a reasonable time shall be allowed for repairing the same before a forfeiture shall be declared.

Approved February 8th, 1865.

AN ACT

To Amend an Act Entitled "An Act to Incorporate the Arkansas, Pueblo, and Fountain qui Bouille Ditch Company, Approved March 9th, 1864."

Be it enacted by the Council and House of Representatives of Colorado Territory:

Sec. 1. That the capital stock of said company shall be four thousand dollars, which may be increased at the will of the stockholders to any sum not exceeding ten thousand dollars.

Sec. 2. That said company shall have three years from and after the passage of this act to complete said ditch and branch, and said charter shall not be forfeited provided said ditch is completed within the time specified in this act.

Approved February 10th, 1865.

AN ACT

To Amend an Act Entitled "An Act Incorporating the Park Junction, Georgia and French Gulch Road Company, Approved November 6th, 1861."

Be it enacted by the Council and House of Representatives of Colorado Territory:

Sec. 1. That an act entitled "An act incorporating the Park Junction, Georgia, and French Gulch Road Company, Approved, November 6th, 1861," be and the same is hereby amended by the addition of the following section:

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SEC. 2. In case the road mentioned in the act to which this act is amendatory, shall not be kept in a good passable condition for travel and freighting during the summer months of the year, the failure to keep said road in such repair shall work a forfeiture of all the rights and privileges of the said corporation under the act to which this act is amendatory; *Provided however*, That if by reason of snow or high water it shall not be possible for any person with reasonable expense to repair said road, a reasonable time shall be allowed for repairing the same before such forfeiture shall be declared.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

AN ACT.

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF BLACK HAWK, APPROVED MARCH 11TH, 1864."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. The city council shall have the entire and exclusive control of the common schools of said city, and may provide by ordinance for the appointment of a board of school directors for said city, not exceeding five in number, to be selected from the members of the city council annually at such time, and in such manner and whose duties shall be such as may be provided by ordinance.

SEC. 2. The city council shall have power to raise by tax on the taxable property in said city in such manner as may be provided by ordinance, a sum sufficient to rent, lease, or procure, a suitable site for a school house or school houses, and to build, rent, or purchase a school house or houses, and to keep in repair and furnish the same with the necessary furniture, library, or libraries full, and apendages; to employ suitable teachers, and defray all the contingent expenses of the schools of said city; *Provided*, That such tax shall not exceed one and a half per cent on the taxable property aforesaid in any one year.

SEC. 3. The city council may for the purpose of purchasing a school house site or sites, or erecting, or building thereon suitable school house or houses; issue bonds in such manner as may be provided by ordinance, payable in not less than two nor

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more than twelve years, bearing interest not exceeding twenty per cent per annum, to be designated "School Bonds;" *Provided*, That not more than thirty thousand dollars of said bonds shall be issued, and not more than three thousand dollars together with the interest on the whole amount of bonds, shall become due in any one year; *Provided further*, That said city council shall first submit the subject to the qualified voters of said city at some regular city election, and the majority of the voters shall vote for the issuing of said bonds.

SEC. 4. The city council may provide by ordinance for the maintaining and support of a high school, to be denominated the "High School of the City of Black Hawk."

SEC. 5. If, at any general election, the legal voters of the city of Black Hawk shall declare in such way and manner as the city council shall prescribe, in favor of establishing a highh school for the use of the cities of Central and Black Hawk, it shall be lawful for the city council to ordain the way and manner in which such high school shall be established and maintained, and to prescribe all rules and regulations for such high school, and to provide for maintaining the same; and if the city council of the city of Central shall have previously adopted the ordinance establishing, maintaining, and regulating such high school, or shall subsequently adopt the same, such high school shall be established, maintained, and regulated according to the provisions thereof, which school shall be free to all the children of Black Hawk and the city of Central, under such regulations as shall be determined on by the respective city councils in joint convention, for that purpose assembled.

SEC. 6. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SEC. 7 This act shall take effect and be in force from and after its passage.

Approved February 10th, 1865.

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PART III.

MEMORIALS AND RESOLUTIONS.

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MEMORIALS AND RESOLUTIONS.

JOINT MEMORIAL,

To the President of the United States.

The Representatives of the people of the Territory of Colorado, in General Assembly convened, respectfully represent unto His Excellency, the President of the United States, that the Indian tribes of the plains now at war with the people of this and adjacent Territories, and with the United States, have brutally murdered many of our people without regard to age, sex, or condition; they have driven our citizens from the sparcely [sparsely] populated portions of our Territory, and from the lines of travel leading to the States; they have intercepted our communication with the east, so that our people are unable to obtain necessary food and clothing which they do not produce, and cannot obtain elsewhere.

We further represent that immediate and efficient action in subduing these hostile Indians is essential to the safety and preservation of the people of this Territory, and we believe that this can be more certainly and speedily attained by placing the entire region of country inhabited by hostile Indians under the control of one officer.

In common with the people of all the Territories, we have confidence in Brigadier General Connor, now in command at Salt Lake City, who has distinguished himself in Indian warfare.

Wherefore we earnestly pray that your Excellency will cause that portion of Kansas and Nebraska, which lies west of the 97th meridian of west longitude, together with the territories of Colorado, Utah, and Montana, to be made a military district or department, and place General Connor in command thereof, and we pledge our people to support zealously all measures that may be adopted for our protection, and we will ever pray, &c.

Be it resolved by the Council and House of Representatives of Colorado Territory: That the Secretary of the Territory be, and he is hereby requested to transmit a copy of the foregoing memorial to the President of the United States, at the earliest moment practicable.

Approved February 8th, 1865.

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COUNCIL JOINT RESOLUTION,

TO DEFRAY THE EXPENSES OF TRANSLATING THE GOVERNOR'S MESSAGE INTO THE SPANISH LANGUAGE, AND TO PAY FOR PRINTING THE SAME.

Be it resolved by the Council and House of Representatives, of Colorado Territory: That the sum of one hundred and fifty dollars shall be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying the expense of translating the annual message of Acting Governor Elbert into the Spanish language, and of printing the same in that language; and of the amount so appropriated the sum of fifty dollars shall be paid to C. Dominguez for translating said message, and the remainder thereof to Messrs. Collier & Wells for printing the same, and the Auditor of the Territory shall draw his warrants upon the Treasury thereof for the amount herein allowed to the parties respectively.

Approved February 10th, 1865.

JOINT RESOLUTION AND MEMORIAL,

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

Your memorialists the Council and House of Representatives of Colorado Territory, most respectfully represent, that

WHEREAS, The Organic Act of this Territory, drawn upon the laws of other Territories of the United States, provides that the pay per diem of the members of the Legislative Assembly should be three dollars per day during their attendance at the session thereof, and the officers of said Legislative Assembly and all other Territorial officers are allowed a compensation in in like proportion, and

WHEREAS, On the account of the great distance from the manufacturing and producing section, whence the inhabitants of this Territory obtain nearly all their necessary articles of consumption, the cost of such articles are nearly three times, and very frequently ten times, more than the cost of similar commodities in the more eastern parts of the United States. It is therefore manifestly unjust that such a compensation should be laid at so

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low a rate, therefore your memorialists would respectfully ask your honorable body so to amend said Organic Act as to allow ten dollars per day to each member and officer in attendance on such Legislative Assembly, and an adequate addition to the salaries of the Territorial judges.

Be it resolved by the Council and House of Representatives of Colorado Territory: That our Delegate to Congress is hereby requested to use his utmost endeavors to bring this subject to the favorable consideration of Congress, and that the Secretary of the Territory is hereby requested to transmit a copy of this resolution and memorial to our delegate to Congress.

Approved February 10th, 1865.

PREAMBLE AND RESOLUTION

Of thanks to the Citizens of Boulder County.

Whereas, The citizens of Boulder county, by their alacrity and promptness in responding to the calls of their country for volunteers, and further by their having furnished on every and all occasions, more than their proportionate number of troops for their countries [country's] service, have manifested the most steadfast loyalty, faithfullness and fidelty to the principles of Constitutional Liberty.

And Whereas, The citizens of said county have recently, magnanimously through their board of county commissioners, appropriated a large bounty to those of their fellow citizens who are now rallying in response to the late call of the Governor of this Territory, for volunteers to repel Indian invasion, thus giving a noble and worthy example to the sister counties of this Territory, therefore,

Resolved by the Council and House of Representatives of Colorado Territory: That we freely concede to Boulder county the proud position to rank as the banner county in this Territory, and that her citizens deserve and are entitled to the thanks and the commendation of the people of Colorado Territory for their disinterested liberality, their patriotism, and their steadfast loyalty to the Government under which they live.

Approved February 9th, 1865.

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INDEX.

Digitized by Google

INDEX.

Digitized by Google

INDEX TO GENERAL LAWS.

A

PAGE

ADJUTANT GENERAL,
shall make list of electors in military service 56
shall deliver list to Secretary, 56
salary of, 86
duties of, 79
AGENTS—INSURANCE,
not required to pay three per cent on premiums, 77
ALDERMAN,
shall not enter into contract with city or town, 49
shall not receive money &c, from city or town, 49
ALIAS ATTACHMENT,
when issued, 47
ANIMALS,
owners of certain, not to permit to roam at large, 102
APPEALS,
from probate courts, 98
trial *de novo*, 99
APPROPRIATIONS,
act making for 1865, 45
for expenses of legislature, 45
for territorial officers, 45
for contingent fund of officers, 45
for general contingent fund, 45
ARAPAHOE COUNTY.
act in regard to probate courts operative in 100
commissioners of, may levy special tax, 103
ASSESSORS—COUNTY,
shall enroll militia, 79
may administer oaths, when 80
penalty for refusing or neglecting to act, 80
fees of, 80
ASSIGNEE,
may maintain action, how, 88
ATTACHMENT—
ACT AMENDATORY.
bond to be conditioned for payment of damages, 46
affidavit and bond, 46

PAGE

ATTACHMENT—Continued.
obligors liable for damages, when, 46
when sufficient property has not been levied upon, 47
may sue out *alias* or *pluries* writ of 47
duty of officers to whom such writ is issued, 47
suits instituted by new writs may be issued, when, 47
ATTACHED.
rights and shares of stock may be, 73
gold and silver coin may be 74
interests in land may be, 74
ATTORNEY—COUNTY.
fees of 65
AUDITOR—TERRITORIAL.
shall canvass vote with secretary and treasurer, 61
shall draw warrant for per diem of members of legislature, 62

B

BILLS OF EXCHANGE.
(act concerning)—see negotiable instruments, 87
BOARD—MILITARY.
who shall compose, 78
BOND.
clerk of district court shall file with secretary of territory, 45
received in evidence, when 46
flour inspector shall give, 70
appeal, 98
shall be in double amount, 98
BRIGADIER GENERAL.
see militia, 78

C

CENTRAL CITY.
terms of court to be held at, when, 62

Digitized by Google

PAGE

CERTIFICATES.
of election, given by whom, 61
CLEAR CREEK COUNTY.
commissioners of may levy special tax, 103
CLERKS—COUNTY.
shall notify commissioners to summon grand and petit jurors. 75
fees of, 64
CLERKS OF DISTRICT COURT.
shall file bond with secretary of territory, 45
shall transmit account of expenses of court to county commissioners, when, 53
CLERKS—DEPUTY.
duty in counties attached for judicial purposes, 54
CLERKS OF ELECTION.
see elections, 58
COIN.
gold or silver, may be levied upon or attached, 73
COMMANDER-IN-CHIEF.
governor to be, 78
may call out militia, 81
may order parade, when, 83
may order draft, when, 82
COMMISSIONS.
see militia, 86
COMMISSIONERS—COUNTY.
shall audit and pay account of expenses of court, 53
shall prescribe rates of toll, 48
per diem of, 68
may procure copies of field notes, 69
shall employ competent person to copy, 69
may remove flour inspector 70
shall select grand and petit jurors, 75
may make appropriation for raising militia companies, 77
may levy and collect a tax of not more than two per cent, 77
certain acts of legalized, 78
may establish poor house, 95
shall take care of paupers, 94
of certain counties may levy and collect special tax 103
COMPANY.
see militia, 80
CONEJOS COUNTY.
attached to Costilla county for judicial purposes, 53
CONSTABLES.
fees of. 66
CONTRACTS.
see negotiable instruments, 67

PAGE

CORPORATE AUTHORITIES.
may make appropriations for militia companies, 77
may levy a tax, 77
CORPORATIONS—MUNICIPAL.
shall not enter into any contract with aldermen or councilmen, 49
COURT—DISTRICT.
see district court, 99
COURT—PROBATE.
see probate court. 97
COUNCILMEN.
shall not enter into contract with city or town, 49
shall not receive money from city or town, 49
penalty, 50
COUNTIES.
attached for judicial purposes, 53
COUNTY COMMISSIONERS.
see commissioners.

D

DEFENDANT.
shall be notified by publication, when, 55
DENVER CITY,
council of may license gamblers, 57
terms of courts at, 51
DISTRICTS—JUDICIAL.
act amending, 51
three judicial, 51
first district, 51
second district, 51
third district, 51
certain territory included in first district, 51
certain territory included in third district, 51
judge of first district, Hon. Charles Lee Armour, 51
terms of court in first district, when and where held, 51
judge of second district, Hon. A. A. Bradford, 52
terms of court in second district, when and where held, 52
judge of third district, Hon. S. S. Harding, 52
terms of court in third district, when and where held, 52
U. S. court for first district, when and where held, 52
for second district, 52
for third district, 52
certain causes to be tried in first district, 52

Digitized by Google

PAGE.

DISTRICTS—JUDICIAL, Continued
certain causes to be tried in third district. 53
Weld and Douglas counties attached to Arapahoe for judicial purposes. 53
Larimer county attached to Boulder, 53
El Paso, Fremont, and Huerfano attached to Pueblo, 53
Conejos attached to Costilla, 53
each county liable for its own expenses, 53
clerk to transmit account of expenses to county commissioners, 53
commissioners shall audit and pay, 53
process how issued in counties attached, 54
duty of deputy clerk, 54
jurors how summoned in counties attached, 54
suits instituted by attachment new writs may issue, when, 55
judge of one district may hold term of court in another, when, 55
DISTRICT—REPRESENTATIVE.
act amendatory, 50
eleventh district, 50
twelfth district, 50
DISTRICT COURT.
causes from probate court how conducted in. 99
DOUGLAS COUNTY.
attached to Arapahoe for judicial purposes. 53
DRILL.
see militia, 83

E

ELECTION.
act amendatory. 60
secretary auditor and treasurer shall canvass vote, 61
governor shall give certificate of 61
act allowing soldiers to vote 56
adjutant general shall make list of electors in military service, 52
shall deliver list to secretary of the territory, 56
secretary shall transmit to commander of regiment 56
duty of commander of regiment, 57
soldiers entitled to vote, how 57
senior officer to have charge of election, 58

PAGE.

ELECTION—Continued.
shall appoint clerk, 58
shall take oath, 58
clerk shall keep poll book, 58
officers shall make return and transmit to the secretary of the territory, 59
duty of secretary, 60
form of return, 59
penalty for neglect or making false returns, 59
territorial board of canvassers shall canvass, 60
canvassers shall wait fifty days, 60
EL PASO COUNTY.
attached to Pueblo for judicial purposes, 53
EXCEPTIONS—how taken, 90
EXECUTIONS.
how levied upon rights and shares of stock, 73
EXEMPTIONS.
from serving on jury, 84

F

FEES—act amendatory, 62
of sheriff, 63
of witnesses, 63
of jurors, 64
of county treasurer, 64-86
of county clerk, 64
of county attorney, 65
of justice of the peace, 65
of constables, 66
of probate judge, 67
docket fee of probate judge 68
per diem of probate judge, 68
per diem of county commissioners, 68
of flour inspector, 71
of assessor, 80
per diem of members of legislature. 62
FENCE—act amendatory, 61
lawful, what shall constitute, 61
FINES—see militia, 80
FIELD NOTES.
county commissioners may procure copies of, 69
shall be filed in county clerk's office. 69
FLOUR,
penalty for selling without inspector's brand, 70
penalty for shifting, &c., 71
FLOUR INSPECTOR,
probate judge shall appoint 70
term of office, 70
oath of office of 70
shall give bond. 70
duties of 70

Digitized by Google

PAGE.

FLOUR INSPECTOR—Continued.
penalty for false marking, 70
county commissioners may remove, 70
fees of, 71
by whom paid, 71
FREMONT COUNTY,
attached to Pueblo for judicial purposes, 53

G

GAMBLERS,
not eligible as jurors, 71
city council of Denver may license, 72
GAMBLING.
act amendatory, 72
in Denver to be regulated by city council, 72
GILPIN COUNTY.
commissioners of may levy a special tax, 103
GOLD COIN.
may be levied upon or attached, 73
GOVERNOR.
commander-in-chief of militia, 78
may call out militia, 81
may order draft, when, 82
power to appoint officers of militia, 78
shall give certificate of election, 61
GRAND JURORS,
how summoned, 75

H

HOGS,
see sheep, hogs and stallions, 102
HOMESTEAD.
not subject to levy. 75
HUERFANO COUNTY,
attached for judicial purposes. 53

I

IDAHO—terms of court held at 52
INJUNCTION,
probate courts may grant writs of, 99
INSPECTOR.
see flour inspector, 69
INTEREST.
in land subject to levy and sale, 74
INSURANCE AGENTS,
not required to pay three per cent on premiums, 77

PAGE.

INSURRECTION.
militia may be called out in case of, 82

J

JEFFERSON COUNTY.
commissioners of may levy special tax, 103
JUDGE OF DISTRICT COURT.
may hold term of court in another district when requested, 55
shall file request with clerk. 55
shall apportion grand and petit jurors, 75
shall allow exceptions, when, 92
JUDGE OF ELECTION.
see election, 58
JUDGMENTS & EXECUTIONS.
act concerning and amendatory, 72
gold and silver coin may be levied upon or attached, 73
rights and shares of stock may be levied upon or attached, 73
may be sold how, 74
execution, how levied, 73
interests in land subject to levy and sale, 74
JURORS—act concerning, 75
how summoned in counties attached for judicial purposes, 54
district judge shall apportion, 75
county commissioners shall select, 75
gamblers not eligible as, 71
militia exempt from serving as, when, 84
JURISDICTION.
justices of the peace shall have in cases of replevin 100
probate courts shall have in cases of replevin, 100
JUSTICES OF THE PEACE.
shall have jurisdiction in cases of replevin, 100
fees of, 65

L

LARIMER COUNTY.
attached for judicial purposes. 53
LEGISLATIVE ASSEMBLY.
per diem of members of, 63
LIBRARIAN.
territorial treasurer ex-officio, 76

Digitized by Google

PAGE

LICENSE.
gamblers may procure from city council of Denver, 72
LICENSES.
act amendatory, 77
MAJOR GENERAL,
see militia, 78
MAYOR—may call out militia, 82
MILITARY.
persons in service may vote, 57
board, who shall constitute, 79
duties of board, 79
MILITARY COMPANIES.
act to encourage the formation and equipment of, 77
MILITIA.
act concerning, 78
who liable to military duty, 78
territory divided into districts, 78
governor commander-in-chief of, 78
78
power to appoint officers, 78
may order out, 81
may order draft, when, 82
military board, their duty, 79-86
governor shall appoint brigadier general, when, 79
duties of, 79
duty of adjutant general, 79
county assessor shall enroll 79
may administer oath, 80
fees for enrolling, 80
fines to be paid in military fund, 80
what number shall constitute a company, 80
shall not be taken without the territory. 82
sheriff or mayor may call out, 82
warrant how served on, 83
annual drill; 83
fine for non-appearance, 83
fines how collected, 84
exempt from poll tax and jury duty when, 84
no parade of on election day, 84
officers of division, 84
officers of brigade, 84
officers of regiment, 84
officers of company, 84
staff of commander-in-chief 85
duty of county treasurer, 85
fees of county treasurer, 86
salary of adjutant general, 86
per diem of militia, 86
if wounded to be taken care of, 86
who exempt, 86
no charge for commissions, 86
penalty for molesting officers or privates on duty, 87

PAGE

N

NEGOTIABLE INSTRUMENTS, PROMISSORY NOTES, AND CONTRACTS.
act concerning, 87
bills of exchange, inland, liability of drawer and endorser, 87
protested, drawer and endorser to pay 10 per cent damage, 87
bills of exchange, foreign, liability of drawer and endorser, 88
protested, drawer and endorser to pay 10 per cent damages, 88
promissory notes and other instruments for money or personalty, 88
notes, bills, &c., for money or personalty assignable 88
assignee of notes, bills, &c., may maintain action, 88
payment to payee after notice of assignment, no defence, 88
holders of notes, bills, &c., must prosecute maker or drawer, when, 89
notes, bills, etc.. assigned after due subject to same defense, etc., 89
payment to payer with notice to assignee a defense to action, etc., 89
want or failure of consideration a defense to action on, provided note or bill not assigned before maturity, 89
partial failure of consideration a defense *per tanto* 90
fraud may be pleaded in bar when instrument not negotiated before maturity, 90
personal property tender of and where delivered, 90
tender of personalty discharges maker of instrument and property vested in person to where tender is made, disposition of property. 91

O

OATH.
assessor may administer, when, 80
of judges and clerks of election, 58
of four inspector, 79

Digitized by Google

PAGE

B

PAUPERS.
act concerning, 93
who shall support, 93
from intemperance not entitled to support, 93
who called upon to support, 93
county shall support when, 94
county commissioners to give assistance, 94
where chargeable as, 94
penalty for bringing into a county, 95
county commissioners may establish poor house, 95
tax may be levied for, 95
PETIT JURORS,
how summoned, 75
PLURIES—how issued, 47
POOR—see paupers, 93
POOR HOUSE—see paupers, 95
POLL TAX—see militia, 85
PRACTICE IN SUPREME COURT.
act concerning, 91
parties aggrieved may be relieved by writ of error how, 91
clerk shall furnish certified copy of records, etc., which shall be presented to supreme court, 91
when writ of error is allowed, clerk of supreme court shall issue supersedas, 92
where writ of error is not allowed, 92
PRESIDENT OF STOCK COMP'NY
duties of,
POWDER HOUSES,
act concerning, 96
how erected, 96
persons erecting entitled to an acre of ground, 96
county surveyor shall survey, 96
plat to be filed with county recorder, 96
subject to ordinances of city or town, when, 97
right to land, shall seize, when, 97
PROCESS,
how issued in counties attached, 54
PROBATE JUDGE.
fees of, 67
docket fee of, 68
per diem of, 68
same fees as justices for like services, 68
shall appoint flour inspector 69
may act as his own clerk, 99

PAGE

PROBATE JUDGE—Continued.
process shall be issued in name of, when, 99
PROBATE COURTS.
act concerning, 97
terms of, to be held, 97
shall have jurisdiction in suits for money, etc., 98
shall not have jurisdiction, when, 98
appeals from, allowed, 98
appeal bond, from 98
no exception shall be allowed to form of process issued from, 99
appeal must be taken from, when, 99
power to grant writs of injunction, 99
act operative in Arapahoe county, 100
jurisdiction in action of replevin. 100
PROMISSORY NOTES.
see negotiable instruments, 87

R

REPLEVIN.
act amendatory, 100
justices of peace, shall have jurisdiction in actions of 100
probate courts shall have jurisdiction in action of, 100
RESIDENCE.
term defined, 95
RIGHTS
and shares of stock may be levied upon or attached, 73
RIOT.
militia may be called out in case of, 82

S

SALARY.
of adjutant general, 86
SCHOOL SUPERINTENDENT—TERRITORIAL. 101
territorial treasurer ex officio 101
salary of, 101
SCHOOL SUPERINTENDENT. COUNTY.
per diem of, 101
shall present account to county commissioners, 101
SECRETARY OF TERRITORY.
shall canvass vote with auditor and treasurer, 61
shall classify list of electors in military service, 56
shall transmit list to commander of regiment, 56

Digitized by Google

PAGE.

SECRETARY OF TERRITORY—Continued.
shall transmit vote to county clerk, 60
SILVER COIN.
may be levied upon or attached, 73
SHARES OF STOCK.
may be levied upon or attached, 73
may be sold, how, 74
purchaser of, deemed legal owner. 74
SHEEP, HOGS AND STALLIONS.
act concerning, 102
owner of shall not permit to run at large, 102
penalty, 102
when owner, of is unknown 103
SHERIFF.
fees of, 63
may order out militia, 81
shall notify militia, when, 81
SOLDIERS,
may vote—see elections, 57
STALLIONS.
see sheep, hogs and, 102
STOCK.
rights and shares of may be attached, 73
STOCK.
owners of certain, not to permit to run at large, 102
SUPERINTENDENT OF SCHOOLS
see schools, 101

T

TALESMEN.
summoned, when, 76

PAGE.

TAX.
see militia, 85
special may be levied in certain counties, 77
TOLL.
rates of, how prescribed, 48
TOLL GATES.
to be ten miles apart, 48
TREASURER—COUNTY.
fees of, 64-86
duty of, 85
TREASURER—TERRITORIAL.
shall canvass vote with secretary and auditor. 61
ex-officio territorial superintendent of schools,
ex-officio territorial librarian, 76
salary of, 101

V

VOTES.
how cast by persons in military service, 57

W

WELD COUNTY.
attached for judicial purposes, 53
WITNESSES,
fees of, 66
WRIT OF ERROR.
parties may be relieved by, when, 91

Digitized by Google

INDEX TO PRIVATE ACTS.

PAGE

A

ARKANSAS. PUEBLO & FOUNTAIN QUI BOUILLE DITCH CO.
act to amend charter of 143

B

BLACK HAWK.
act amending charter of 144
BOULDER CITY.
act concerning lots, and blocks in, 130
BOULDER VALLEY AND CENTRAL CITY WAGON ROAD CO.
act to incorporate, 135

C

CENTRAL CITY.
act to amend charter of 122
COLORADO AND CLEAR CREEK RAILROAD CO.
act to incorporate, 111
COLORADO & PACIFIC WAGON TELEGRAPH AND RAILROAD CO.
act repealing, 108
COLORADO IRON, ENGINE AND MILL MANUFACTURING CO.
act to incorporate, 108
CONSOLIDATED DITCH CO.
act to amend charter of, 139

D

DENVER CITY.
act amending charter of, 109
DOUGLAS COUNTY.
act concerning depredations of stock in, 116
DENVER & SAN LUIS VALLEY WAGON ROAD CO.
act incorporating, 127
DENVER, TURKEY CREEK AND SOUTH PARK ROAD CO.
act incorporating, 132

PAGE

DENVER, BRADFORD AND BLUE RIVER WAGON ROAD CO.
act amending charter of, 142

E

ENTERPRISE WAGON ROAD CO.
act amending charter of, 135

L

LEGISLATURE.
act to provide for payment of officers of, 127

M

MASONIC HALL ASSOCIATION.
act to incorporate, 124

O

OVERLAND WAGON ROAD CO.
act to incorporate, 118

P

PAGE, LOUIS G.
act changing name of, 108
PARK JUNCTION, GEORGIA & FRENCH GULCH ROAD CO.
act to amend charter of, 143

R

RUSSELL GULCH AND NEVADA WAGON ROAD CO.
act to incorporate, 140

T

TRINDIAD AND RATON MOUNTAIN WAGON ROAD CO.
act to incorporate, 117

Google

INDEX TO JOINT RESOLUTIONS.

	PAGE
JOINT MEMORIAL, To the President of the United States, praying for a new district, with Gen. Connor in command,	149
COUNCIL JOINT RESOLUTION. To defray the expenses of translating the Governor's Message into the Spanish Language.	150
JOINT RESOLUTION AND MEMORIAL. To the Senate and House of Representatives of the U. S. asking for increase of pay of members of Legislature,	150
PREAMBLE AND RESOLUTIONS. Of thanks to citizens of Boulder county.	151

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